

A JOURNAL
OF THE
PROCEEDINGS
OF THE
Legislative Council,
OF THE
TERRENTORY OF FLORIDA,
AT ITS SIXTEENTH SESSION.

BEGUN AND HELD AT THE CITY OF TALLAHASSEE, ON MONDAY, THE FIRST
DAY OF JANUARY EIGHTEEN HUNDRED AND THIRTY EIGHT.

.....

TALLAHASSEE.

S. S. SIBLEY, PRINTER, FLORIDIAN OFFICE.

1639.

A JOURNAL

*of the Proceedings of the Legislative Council of the Territory
of Florida, at their 16th session, begun and held at the City
of Tallahassee, on Monday, the 1st day of January, 1838.*



The following named members appeared, were duly qualified by the Hon. Thomas Randall, Judge of the Superior Court for the Middle District of Florida, and took their seats; viz:

From Leon County, Wm. WYATT, THOS. BROWN, JAS. W. BARNERMAN, AND W. M. GLESON.

" Goldsden "	ISRAEL JOHNSON, AND DANIEL L. WYATT.
" Jefferson "	E. E. BLACKBURN, AND A. J. DODGE.
" Jackson "	RICHARD H. LONG, AND JAS. W. L. SM.
" Escambia	THOMAS M. BLOUNT, AND ED. L. DRAKE.
" Columbia	ROBERT BROWN.
" Washington	JOSEPH CHOSKLY.
" Walton "	JAMES VAUGHN.
" Madison	THOMAS LIVINGSTON.
" Alachua	W. J. MILES.
" Dixie "	ISAIAH D. HART.
And St. Johns	THOMAS DOUGLAS.

A quorum being present, the House proceeded to its organization, when on motion of Mr. Wyatt, Mr. Blount was called to the Chair. The House, on motion, then proceeded to elect its officers.

Thos. Brown was unanimously elected President, and was conducted to the chair by Messrs. Wyatt and Douglas. Whereupon he made to the House a suitable and appropriate address.

Joseph B. Lancaster was duly elected Chief Clerk. James Wallace was duly elected Sergeant at arms. Moses Ellis was duly elected Door keeper. James H. Gilson, Neill McPherson, and Robt. B. Copeland, were duly elected Enrolling and Engrossing Clerks to the House.

On motion of Mr. Blount, a Committee was appointed to wait on the Governor to inform him that the House is now organized and ready to receive any communication he may have to make. Messrs. Blount, Douglas, and Long, were appointed thereon.

Mr. Wyatt moved that a committee be appointed to draft rules for the government of this House, and that until they report, the rules in force at the last session of the Legislative Council be adopted. — Which motion prevailed.

Messrs. Wyatt, Blount, Drakq, Long and Douglas, were appointed that committee.

The Chief Clerk, Sergeant at arms, and Door keeper of this House were, on motion, severally sworn into office.

The House then adjourned till to-morrow at twelve o'clock.

TUESDAY, January 2, 1838.

The House met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Richard Fitzpatrick, the member elect from Dade County, and Mr. Peter W. Gautier, jr., the member elect from Franklin County, having made their appearance, were, on motion of Mr. Blount, respectively sworn and admitted to their seats in this House.

Mr. Long gave notice that he shall on to-morrow, ask for the appointment of a select committee to prepare and report a bill to authorize limited co-partnerships; also on some future day he will ask leave to introduce a bill to amend the laws regulating mortgages; also to introduce a bill to repeal an act to raise a revenue for the Territory of Florida, approved 22d day of November 1828, and all laws amendatory of said act, and all other laws passed by this Council authorizing the levy of a tax or raising a Revenue for the support of the Territory.

On motion of Mr. Fitzpatrick, it is ordered that a select committee be appointed to contract for the printing necessary for this House, during the present session. Messrs. Fitzpatrick, Hart and Douglas were appointed on that committee.

Mr. Wyatt gave notice that he will on some future day, ask leave to introduce a bill to be entitled "an act to provide for a general system of internal improvement for Florida."

Mr. Gibson offered the following resolution:

Resolved, That a special committee be appointed to investigate the circumstances attending the election of the member from this quarte, and his right to a seat in this body, and that they report thereon with all convenient despatch.

Which was read, and placed under the consideration of the House.

Mr. Fitzpatrick gave notice that he would introduce, and have a bill to legalize the suspension of co-partnerships, the banks of Florida, and to direct the time at which they shall report to the payment of their notes and bills in arrears.

Mr. Blount from the select committee appointed to wait upon the Governor, reported,

That the committee had performed the duty assigned them, and were instructed by the Executive to say to the House that he would on to-day, at twelve o'clock, communicate to them his several communications.

His Excellency the Governor, communicated to the House by his private Secretary, Mr. Copeland, the following message:

MESSAGE.

To the members of the Legislative Council of Florida.

GENTLEMEN,

Since the last session of the Legislative Council, Florida, in common with every other portion of our country, has experienced in some degree the calamity which has prevailed throughout the commercial world. The great staple of the South which constitutes its agricultural and commercial wealth, has not only depreciated greatly in value, but the change was so sudden and unexpected as to prostrate the most promising agriculturalists. I am happy to say, however, that most of the evils anticipated from this source have not yet been realized by the people of this Territory. The decline in the cotton market, has not produced a corresponding depression with other articles, and property of every other description, has experienced but little depreciation in value. This however is an unnatural state of things, and it is to be feared that the crisis of our commercial wants has not yet arrived. Within my knowledge, there has not been a single failure of a commercial house in our Territory, and it is hoped that with a little indulgence, they will generally be able to discharge all their responsibilities. Although the improvement and advancing prosperity of our country has received a temporary check by the events of the war, and other causes, there is perhaps no part of the United States less embarrassed, or which will suffer less than Florida, by the universal derangement of currency and credit in every part of the world. The valuable and abundant productions of our soil, and the enter-

prise and industry of our citizens, aided by economy and prudence will enable them in a short time without aid from the Legislative Council to meet all their engagements, and under the protection of an over-arching Providence, to mark a glorious and onward march of prosperity.

The Banks of the Territory, like most other example set by similar institutions in all the States of the Union, in the midst of the pressure and loss of confidence which resulted, from necessity or from prudential considerations suspended specie payments. Several of them continued to redeem their notes with specie long after the suspension of most of the Banks of the neighboring States.— The Bank of Pensacola did not, and probably neither will, had become an article of commerce and were purchased at high premiums for the purpose of discharging the specie in their vaults, to be transported and sold at the price of the local same gold.

Although I did oppose the power of suspending by Bank to suspend specie payment, so long as it was not for a month, or a dollar in its vaults, and considered that such a power would work a forfeiture of its charter, it was the power of suspending engrafted into every charter of the Bank of the United States, and of their corporate rights and powers, and we could not then, in case of time past, have given it up, and called in the correction of evils without suspending it. Nothing can in the opinion contribute more to the permanent prosperity and advancement of every class of society, and of course of credit, than a sound, and stable currency, not the paper currency of a bank. This inestimable advantage can never be lost by a small and independent community, where Banks are permitted to do business, to have their capital, and are allowed to issue paper far beyond their capacity to redeem. One of the most valuable powers is, of course in its specific worth, its standard value, which is subject to no fluctuation, and therefore it guards the value of property, in a less fluctuating character. Bank paper for its segments, is a good value, and is only valuable as the representation of legal credit. When it ceases to command the specie which it professes to represent, it has ceased to perform its most important function, and disappears in the hands of those who have given for it a value, consideration. Banks are chartered on the express and amplest pledge, that the corporation will have at its command, a certain sum of capital to loan on interest, and they are obliged by their charters to issue bills of different denominations representing that capital. To this they shall be permitted to Bank without the payment of this capital, is to permit them to violate the spirit of the charter which gave them existence as a corporation, and it establishes a privileged order of society, whose notes shall be received, as money while the notes of individuals, not incorporated by legislative authority are considered of less value. The spirit of our republican institutions forbids the creation of privileged orders, and it never can be the policy of our country to allow irredeemable paper, to

take the place of gold and silver, which should form the basis of every Banking Institution.

So far as rights and privileges have been reserved by charters, perhaps we have no power to control, or restrict them. But in all future legislation for the purpose of creating Banking Institutions, I would most earnestly recommend to the Legislative Council to incorporate a provision, rendering the charter void whenever the institution should fail or default, to redeem its notes with specie. I would recommend, in all such cases, that the Executive be authorized to appoint commissioners to take charge of the assets of the Banks, and wind up its concerns. It is the promised redemption which gives value to the paper of every Banking Institution, and when that promise has been violated, the paper is no longer entitled to credit. The no more proposed, may appear objectionable to the public, but it is just to the community in which their paper may circulate, and to the best security against the evils of an over-extended and unliquidated consequence, a depreciated currency. Banks chartered on this principle, would seldom venture to issue more paper than they could certainly redeem. They would therefore enjoy a higher degree of credit, and in cases of forfeiture from extraordinary and uncertain events, they would never fail to exonerate justly, from the community, and receive appropriate relief from the Legislature. One of the strong arguments of those who are in favor of a National Bank, is the controlling influence it would exercise over the State Institutions in preventing over issue of paper.

This has appeared to me an extraordinary argument, and I am not prepared to admit the truth of the proposition which it involves, that a sovereign State has not the power to control the operations of any corporation which it has a constitutional right to create. Nor am I willing to subscribe to the doctrine that the Federal Government may create moneyed institutions, with authority to control the operations of the State Banks.

It appears to me that this desirable object may be much more certainly accomplished by restrictions and penalties expressed in the local Bank charters than by any other means, and it is much more compatible with the sovereign authority and dignity of the States, to control their own institutions, than to ask for the creation of a foreign, and to them an uncontrollable power, to effect this purpose. Banks are important institutions, and may be highly beneficial to our country; but the experience of the present day proves to demonstration, the necessity of confining their issues within the limits of their power to redeem.

I am happy to inform you, however, that so far as I am advised, the Banks of this Territory are entitled to as high credit, and that they will be enabled to resume specie payment, generally, as early as most of the institutions of the different States. Many of them have been managed with great ability, and but for the extraordinary events of the last twelve months, and the universal derangement

and because, though at present costly, they would probably have contended to closing their ranks with us.

I regret to inform you that the long protracted war with the Seminoles, has not yet come to an end. But the present campaign has opened wide flattering prospects of success, and it is most earnestly hoped that the operations of the formidable force now in the field, and the early and safe exertions of the commander-in-chief, will result in the subjugation of this savage enemy. The accomplishment of this desirable object would cause a new light to dawn upon our prosperity. It would not only relieve our frontier settlements from the apprehension of danger, and enable many of our citizens, who are now exposed to the fatigues and privations of the camp, to return to their domestic pursuits and enjoyments, but by removing the Indians from the other side of Florida, a new field of enterprise would be opened to the country, and one of the most interesting portions of the south would be changed from a savage wilderness, to a cultivated and delightful region, contributing wealth and power to our infant institutions.

A party of the Creek Indians even after the great body of the Nation had been subdued, and removed, being averse to emigrating beyond the Mississippi, sought refuge in Florida. They made their appearance in the western part of the Territory in February last, and although they have been continually pursued, and many of them have been destroyed, or removed, still a portion of them continue to conceal themselves in the swamps, and harass and annoy the neighboring inhabitants. The Counties of Walton and Washington have suffered severely by their depredations. Not so much by the loss of life as from the destruction of property, and the apprehension of danger which compelled them to abandon their homes, and neglect the cultivation of their plantations, altho' in some instances whole families have been victims to their barbarity. Adequate measures have been adopted for their expulsion, and it is hoped in a short time, that the country will be entirely relieved from the presence of these unwelcome visitors.

The relief of the General Government has been generously extended to the suffering inhabitants who have been driven from their homes, and who are unable to supply themselves with provisions. It is believed if this relief is not so extensive in many instances as it could have been wished by the Executive, that it will nevertheless be sufficient to prevent suffering, until the Indians shall have been removed from the country.

I regret to inform you that the claims of our citizens against the United States, both for military services, and for supplies furnished the troops, have not been paid with the promptness we had a right to expect. The militia and volunteers called into service from Middle and West Florida, more than eighteen months since, have not yet been paid, although every exertion has been made by the Executive to procure for them the compensation to which they are justly entitled. A bill has been introduced in every session

of Congress to perform this duty, and from his efficiency in business, and his accommodating disposition, we have reason to hope these claims will soon be satisfied. The claims against the Quarter Masters Department, are also in a train of adjustment, and the faithful officer charged with the performance of that duty, will I hope be enabled to satisfy most of them. But there are others which from necessity, and the peculiar situation of the country, have been contracted not in accordance with the existing regulations of the army, and without further Legislation on the subject, may be rejected, to the great injury of those interested. I would therefore recommend to the Legislative Council to prepare a memorial to Congress on this subject asking for the passage of a law to provide for the payment of all just and meritorious claims, without regard to the formalities required by the existing regulations.— It is not to be expected that the officers of the militia, however intelligent they may be on other subjects, should without instruction or experience, be able to make out accounts with professional technicality, and it would be unjust that the citizen whose property has been appropriated to the public use, when the Government has been unable to furnish supplies, should be denied compensation, because his accounts have not the special formalities required, or because the purchase was not contracted by a Quarter Master of the Regular Army, when there has been but one officer of that Department stationed between the Suwannee and the Perdido rivers, a distance of near 300 miles. In almost every neighborhood of that extensive district of country, it has been necessary to raise troops and to furnish supplies from the resources of the country.— With the best capacity for business, and with every disposition to perform service, the numerous and responsible duties of Colonel Vinton, the Quarter Master, have rendered it impossible for him to make the purchases required.

In the memorial to Congress I would also suggest the propriety of representing the losses of our citizens, occasioned by the destruction of property during the war, and that an indemnity be asked from the Government. Having been involved in the war, without any agency on our part, and the Government having failed to afford the necessary protection against the ravages of the enemy, it appears to me, that the United States have incurred a responsibility which the immutable principles of justice requires to be met by a full reparation of damages.

From the peculiar organization of our financial system, I am enabled to give you but little information with regard to the state of the Treasury. The Revenue Laws of the Territory require the Treasurer and Auditor to make their reports alone to the Legislative Council, and it is only through the courtesy of those officers that the Executive learns any thing during the recess with regard to the condition of our revenue. At the last session, this subject was brought to the attention of the Legislative Council, and a revision of the Revenue Laws earnestly recommended, but no change

whatever was made it necessary. The Executive is by no means disposed to increase unnecessarily his labors and responsibility. But he conceives it to be his duty again to present this subject to your consideration, and recommends such documents and alterations as may be deemed necessary, not only for the faithful collection and disbursement of the revenue, but to enable the Executive to acquire a proper knowledge of the state of the Treasury, and to exercise a suitable control over the Revenue officers. The Executive has heard unofficially that there is a great want of uniformity as well as punctuality on the part of some of the Revenue Officers, in making official returns to the Auditor and Treasurer, as well as in the payment of the Revenue into the Treasury.— These are public evils which require correction, and it is hoped they will receive proper attention from the Legislative Council.— Some of these irregularities have their origin in the partial and unequal legislation which has proceeded from the Council, and which can never fail to act with injustice to some portion of the country. A valuable branch of our revenue is the tax on sales at Auction, and a very remarkable instance of partial legislation is to be found in the law exempting the lots of St. Joseph from this tax, while it is required to be paid on all other sales at auction in the Territory. There is no reason why one portion of the people of the Territory should enjoy privileges and advantages denied to others, and believing the exemption in favor of St. Joseph to be unconstitutional, the Auditor of the Treasury was instructed to demand of the St. Joseph Company payment of the tax due on the sales of lots, and if not paid to institute suit for its recovery. The Apalachicola Company, I understand, has paid into the Territory Treasury \$6,146,70, the amount due the Territory on the auction sale of lots, while nothing has been paid by the St. Joseph or Pensacola Companies, both of which owe large sums, on account of sales. The former, \$7000, and the latter \$11,602,70. If the Executive should be in error with regard to the responsibility of the last two corporations, and the tax cannot be collected of them; then it is but just, in order to place all of our citizens on an equal footing, that the amount paid by the Apalachicola Company should be refunded. There is nothing, however, in the estimation of the Executive, which is a more legitimate subject of taxation than the sale of town lots at auction. They are generally speculations of incorporated companies, whose enterprise has been promoted by Legislative provisions, and they may well afford to pay a small portion of their large profits, for the support of the government from which their advantages are derived.

In my last annual message, I called the attention of the Legislative Council, to the great inequality which prevails in the taxes levied on the Banks of the Territory, by their respective charters, and suggested such alterations as might be deemed necessary to produce uniformity as far as practicable, consistently with the rights of those institutions. But no measure having been adopted to

produce this desired result, I thought it proper again to present this subject to your consideration. The Union Bank of Florida is the only one of its class exempt from taxation, and that exemption appears to have been granted in consequence of the ultimate interest the Territorial government will have by the charter in the net profits of the institution. The public welfare would perhaps be promoted by a contribution of this interest for a certain sum to be paid annually. This arrangement might be made with the consent of the Bank, should it be approved by the Legislative Council. The Central Bank of Florida, by its charter, is required to pay an annual tax of three per cent. on its net profits, and the Commercial Bank of Florida is taxed only two per cent. on its profits. In this there is much inequality, and no apparent justice. But the inequality between these and the other banking institutions of the Territory, is still greater. Neither the Bank of Pensacola, the Farmers' Bank of Florida, the Bank of Jacksonville, or the Southern Life Insurance and Trust Company, have paid any tax whatever. This is owing to no chartered prohibition, but to the want of the necessary action on the part of the Legislative Council, to prescribe the proper rate of taxation for each of them. There is no reason why two of the Banks of the Territory should be taxed, while all the rest are exempt, nor is it compatible with the principles of justice, that one should pay a larger amount on its net profits than another. I would, therefore, recommend to the Legislative Council, to provide by law, an equal ratio of taxation on all these institutions.

At the last session of the Legislative Council, an act was passed to provide for taking the census of the people of this Territory on the policy and propriety of assuming a State Government. At the election held for a Delegate to represent this Territory in Congress, the vote was taken on this subject, and resulted in a majority of one thousand and five votes in favor of a State Government. The same act required the sheriffs to take the census of their respective counties, on the 1st day of June last, and to make a return of the number of inhabitants in each county, to the Treasurer of the Territory, who was required to make a report thereof to the Legislative Council, during the first week of its present session. These officers, not having been required to report to the Executive, I have no official information relative to the manner in which their duties have been performed. But I have learned, unofficially, that with few exceptions, the sheriffs have not complied with the law, and that they are subject to the penalty prescribed by the act for their delinquency in office. It remains for the Legislature to determine whether or not the penalty they have incurred shall be enforced.— The decided expression of public opinion in favor of the adoption of a State Government, renders it a subject of deep interest. But the preliminary measures not having been pursued, it appears to me that all further proceedings must necessarily be suspended, until the census shall have been taken, in order to ascertain whether we

have by our numbers, according to the ratio established, a right to demand admission into the national confederacy, in accordance with the desire of a large majority of the people. We have no reason to believe that Florida will be permitted to become one of the sovereign States of the Union, without encountering all the delay and opposition which arises from a struggle for power between the northern and southern States of our country. If we have not the necessary population to enable us to make a successful demand for admission, it appears to me that it would be unwise to incur the expense and inconvenience of calling a Convention, for the purpose of adopting a constitution. It is believed, however, that notwithstanding the embarrassments we have encountered, and the check which has been given to emigration by the events of the last two years, that our numbers will be found sufficient to sustain our claims to a State Government. I would, therefore, earnestly, recommend to the Legislative Council, to provide by law, for having the census taken at an early day, and if it should be found that the number of our inhabitants entitles us to be received in the Union consistently with the provisions of the Constitution, and the treaty of cession between the United States and Spain, that the Executive be authorized to issue a proclamation for an election of delegates to assemble in convention and frame a constitution for a State Government, to be submitted for approval at the next session of Congress. Should this measure be adopted by the Legislative Council, it will be necessary at the same time, to provide for an equitable apportionment of the delegates from the different sections of the country, according to the number of the inhabitants.

By an act of Congress, approved in May, 1824, seven quarter sections of land were required to be located by the Register and Receiver of the Land Office, and to be reserved from sale, to be granted at a future period to the Territory for the purpose of building a Capitol. One of these quarter sections was located within the township subsequently patented by the Government to Gen. Lafayette. The right of the Territory to that particular quarter section was thereby annulled, but we are entitled to locate another quarter section of the unappropriated lands of the government, and when located, on application to Congress, no doubt is entertained of its being granted to the Territory. The six remaining quarter sections were located in the sections adjacent, and on the north and south of Tallahassee. They have all been subsequently granted by Congress to the Territory, and one of them has since been laid off into town lots and sold, and a considerable portion of the proceeds is yet due from the purchasers. The office of Commissioner of this fund is now vacant, and the salary is too inconsiderable to render the station acceptable to any one qualified to perform its duties. I would recommend an increase of this salary, in proportion to the labor and responsibility of the officer, in order that the vacancy may be filled, and the amount due may be collected. I would also recommend to the Legislative Council to provide by law, for the sale of the remaining quarter sec-

tions of land in five and ten acre lots, which have been granted to the Territory, and that the proceeds be applied to the completion of the Capitol. It would be proper at the same time, in the opinion of the Executive, to authorize the Commissioner of the Tallahassee Fund to enter into a contract, in behalf of the Territory for this purpose.

The permanent establishment of the boundary between the State of Georgia and this Territory, is a subject of deep interest. Hitherto the Territory has taken no step for the accomplishment of this object, and for some time past, Georgia has been silent on the subject. The question with regard to the true boundary, is one of controversy, and its settlement may be attended with some difficulty.

But no doubt is entertained on the part of the Executive, that the land marks established by the commissioners representing the United States, when this Territory was a Spanish Province, and which was sanctioned and acquiesced in by both nations, during a period of more than 30 years will designate the true line of demarcation. I would recommend the Legislative Council to present this subject to Congress by memorial, and ask for the adoption of such measures with the State of Georgia, as will produce a final decision of this question.

Another subject highly worthy of the attention of the Legislative Council is the large grants from the Crown of Spain, by which the greater portion of this Territory is claimed. It is an historical fact, well known to you, that the King of Spain, in anticipation of the cession of Florida to the United States, made three grants to his court favorites, the Duke of Alagon, Count Punon Rostro, and De Vargas, covering all the unappropriated lands in Florida, extending from the Mississippi to the St. Johns, and comprised between the boundary of the United States and the Gulf of Mexico. The Government of the United States considering these grants fraudulent, and being unwilling to purchase the sovereignty of the country, divested of the right of soil, the American Minister by whom the treaty was negotiated, insisted on the provision of the 8th article, declaring all grants made subsequent to the 24th day of January, 1818, to be null and void, with a view of abrogating these grants. But after the treaty had been signed at Washington, and had been sent to the King of Spain for ratification, it was ascertained that each of those objectionable grants bore date prior to the 24th day of January, 1818. The American Minister, then at the Court of Madrid, was immediately instructed by our Government, to insist on the abrogation of these grants, as the only condition on which the exchange of ratification would be accepted. He was directed to deliver a solemn declaration from his Government to the the Court of Spain, in the following terms: "In agreeing upon the 24th day of January, 1818, as the date subsequent to which, all grants of land, made by his Catholic Majesty, or by his legitimate authorities in the Floridas, was declared to be null and

void, it was with a full and clear understanding, between the Plenipotentiaries of both the high contracting parties, that amongst the grants thus described both and void, were all those made, or pretended to have been made in the course of the preceding winter by his Catholic Majesty, to the Duke of Alagon, the Count Ponson Rostro, and Dr. Argos, and all others derived from them. And that the ratifications of the treaty are exchanged under the explicit declaration and understanding, that all the said grants are null and void, and will be so held by the United States.¹

The King of Spain acceded to the just demand of the American Government; and by his decree of ratification, expressly annulled these grants, and declared them void in every instance. They have been so regarded by the Government of the United States. In the several acts of Congress to authorize suits to be instituted against the Government by individuals to establish claims to land—these three grants have been expressly excluded from the jurisdiction of the Courts. Notwithstanding the fraudulent character of these grants, and the formidable objections which are presented to their confirmation, it is believed that an extensive combination of wealth, talent, and political influence, has been formed for the purpose of sustaining the grant to the Duke of Alagon, which covers nearly the whole peninsula of Florida. As the grant to Ponson Rostro embracing the entire country from the Perdido to the St. John's river, was made by the same authority, on the same conditions and for the same purposes, it need depend but on the same principle. If the grant to the Duke of Alagon, is confirmed, then a precedent will be established for the confirmation of the grant of Count Ponson Rostro which would deprive the entire population of their homes so far as they have been acquired by purchase from the Government of the United States. But as none of these grants can be confirmed without the action of Congress, I would recommend the adoption of a resolution, requiring the Delegate in Congress, to oppose most strenuously the passage of any law, giving jurisdiction to the Courts in any of these cases, and to resist their confirmation by Congress.

The organization of a system of Internal Improvement, which should have for its object, the construction of rail roads, and other high ways, to connect the different sections of our Territory, is a subject of the first importance and one which will, no doubt, claim your earnest consideration. A rail road from the Atlantic to some point on the Gulf of Mexico, has long been contemplated, and several charters have already been granted for that purpose. The importance of this subject, and the advantages to be derived from such an enterprise, are duly appreciated by the whole community. The Executive will not attempt to designate the point either for the commencement or termination of this interesting work; but he will, on this, as well as on all other questions in which the public welfare is involved, unite with you, gentlemen, in every effort for its promotion.

Most of the new State and Territories, after their admission, adopted a system of legislation of their own, which of course imposed a heavy load upon the new State. The new Territories, will not be entitled to legislation. The old, will be relieved of the burthen. The members of Congress, will be responsible for the public funds for these purposes.

Yours truly, Calhoun.

R. R. CALL.

Tuesday, Jan. 2, 1822.

Which was read, and,

On motion of Mr. Blackman, laid on the table, and one thousand copies ordered to be printed.

The House then adjourned till tomorrow at twelve o'clock.

Wednesday Jan. 3, 1822.

A quorum of the House not present to adjourn it, and the journal of yesterday's proceedings was read.

The following standing committees were appointed.

JUDICIARY.

Messrs. Blount,
Douglas,
Drake,
Lathrop,
Gibson.

Blackman,

Mills,
Exum.

SCHOOLS & COLLEGES.

Messrs. Drake,
Hart,
Exum,
Johnston.

FINANCE.

Messrs. Fitzpatrick,
Blount,
Douglas,
Drake,
Lathrop.

Blackman,

Exum,

Johnston.

ELECTIONS.

Messrs. Johnson,
Wyatt,
Long,
Vaugham,
Mills.

BANKS.

Messrs. Douglas,
Blount,
Croskey,
Fitzpatrick,
Gibson.

STATE OF THE TERRITORY.

Messrs. Wyatt,
Drake,
Livingston,
Mills,
Johnston.

MILITIA.

Messrs. Kenan,
Lathrop.

CLAIMS.
Messrs. Gautier,
Bannerman,
Blackburn,
Brown,
Vaughan,

ACCOUNTS.
Messrs. Mills,
Long,
Dozier,

AGRICULTURE.
Messrs. Exum,
Bannerman,
Kenan,

Mr. Long, pursuant to previous notice moved the appointment of a select committee to prepare and report a bill on the subject of Limited Co-partnerships which prevailed, Messrs. Long, Blount, Gibson, Hart, and Livingston were appointed on that committee.

On motion of Mr. Wyatt, leave of absence was given Mr. Drake for to-morrow.

His Excellency the Governor, transmitted to the Legislative Council the following

MESSAGE:

To the Legislative Council of Florida.

GENTLEMEN: I present you herewith, a memorial of Col. James Gadsden, on the subject of the contemplated Rail-road through our Territory, from the Atlantic to the waters of the Gulf of Mexico. This document embodies much valuable matter, and will be read with interest by the Legislative Council.

While deliberating on the subject of internal improvement, the suggestions of all men of intelligence and experience, will add to the fund of knowledge we are desirous of obtaining, and will contribute much to the accomplishment of this important enterprize. In presenting this memorial, however, to the Legislative Council, I deem it proper to say, that my views do not, entirely, accord with those of the intelligent writer. I should be unwilling to connect this important work with either of our present banking institutions. I agree with the learned writer of the memorial, entirely, with regard to the valuable

INTERNAL IMPROVEMENTS.

Messrs. Long,
Douglas,
Gautier,
Hart,
Wyatt,
Gibson,
Johnson,

ENROLLED BILLS.

Messrs. Dozier,
Livingston,
Mills,

results of the enterprise, when accomplished. But if it is to be completed by the agency of the Territory, I prefer that it should be unconnected with any other interest. I regard the undertaking as an object of great national concern. The facility with which armies and military stores, might be transported, in a few hours on the route, from the shores of the Gulf to those of the Atlantic, and the rapidity with which the mail would be carried from the North to the South, are objects sufficient in themselves to claim the patronage and support of the government of the United States. These facilities in time of war, would give strength to our country, and save millions in the item of transportation, the most burdensome expenditure of military operations. A battery equipped near the termination of the road, on the Gulf of Mexico, would be as efficient in protecting the opposite shore of the Atlantic, as it would be in guarding the district of country within twenty miles of its position. I would propose to afford these important advantages to the United States free of charge; and to obtain them, the Government might well afford to grant to the Territory, a sufficient quantity of public land, to enable us to construct the road.—I have every confidence in the belief that, on application, accompanied with proper explanations of the advantages which would result, such a grant would be made by Congress. I would then propose the charter of a Territorial Bank, the capital of which, should be the fund derived from the sale of the land granted by Congress; and with this fund the road should be constructed. Should it be insufficient for that purpose, it might be increased by a sale of Territorial bonds, and the proceeds added to the capital of the bank. This appears to me, to be the most advantageous mode of constructing this important work, in which the United States, the Territory, and numerous individuals, are so immediately and directly interested.

R. K. CALL.

Which was read, and on motion of Mr. Blount, was with the accompanying documents, laid on the table, and one thousand copies of the said message and the accompanying documents, ordered to be printed.

Mr. Dozier gave notice, that he will on some future day, introduce a bill to be entitled "An Act to authorise James Pattison to establish a toll bridge on the Oscilla river.

Mr. Blackburn gave notice that he will on some future day ask leave to introduce a bill to be entitled An act to amend An Act entitled, An Act to prevent and suppress the practice of carrying secret arms.

Act to prevent the issuing and circulation of change bills, or any Bank note under the denomination of five dollars, and for other purposes.

Mr. Livingston gave notice that he will on some future day, introduce a bill to remove the county seat of Madison County.

Mr. Douglas, gave notice that he will on some future day, ask leave to introduce a bill to amend the Act entitled "An Act to incorporate the Methodist Episcopal Church in St. Augustine, approved January 13th 1835.

Mr. Long, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled An Act to repeal An Act passed on the 20th Nov. 1828, to raise a revenue for the Territory of Florida, which was read and ordered for a second reading to-morrow.

Mr. Gautier asked that the rule be waived and that he be permitted now to present the petition of sundry inhabitants of Apalachicola, asking amendments to the charter of incorporation of said town which was agreed to and said petition read and referred to a select committee. Messrs. Gautier, Blount, and Long, were appointed on that committee.

Mr. Fitzpatrick from the select committee appointed to contract for the printing required by the Legislative Council at its present session, reported, "that they have contracted with Mr. Samuel S. Sibley Editor of the Floridian for all the printing which may be required by the House, and for the laws and journals—he having offered the most advantageous proposals to the committee

(Signed)

R. FITZPATRICK,
Chairman.

Which report was concurred in by the House.

Mr. Wyatt from the select committee appointed to draft a code of rules for the government of this House reported the following:—which were read and adopted, and one hundred copies ordered to be printed.

RULES OF THE HOUSE.

I. The President shall take the Chair every day, precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

II. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House, by any

two members; on which appeal no member shall speak more than once, unless by leave of the House.

III. He shall rise to put the question, but may state it sitting.

IV. No member shall speak to another, or otherwise interrupt the business of the Council, or read any newspaper, while the journals or public papers are reading, or when any member is speaking in debate.

V. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the President, and shall avoid all personality or indecorous and offensive language.

VI. If any member, in speaking or otherwise, transgress the rules of the Council, the President shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; if the Council is appealed to, it shall decide the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member, he shall be at liberty to proceed; if otherwise, the chair shall not permit him to proceed without leave of the house; and if the case require it, he shall be liable to the censure of, or expulsion from, the Council.

VII. No member shall speak more than twice in any one debate on the same day without leave of the Council.

VIII. When two or more members shall rise at the same time, the President shall name the person entitled to proceed.

IX. When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President without debate; subject to an appeal to the Council. If the member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.

X. No member shall absent himself from the service of the Council, without leave of the President first obtained—and in case a less number than a quorum of the Council shall convene, they are hereby authorized to send the Sergeant at arms, or any other person or persons, by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, respectively, unless such excuse for non attendance shall be made, as the Council, when a quorum is convened, shall judge sufficient.

XI. No motion shall be debated until the same shall be seconded.

XII. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member, delivered in at the table, and read, before the same shall be debated.

XIII. When a question is under debate, no motion shall be received but to adjourn, to be on the table, to postpone indefinitely, to postpone to day certain, to commit, or to amend, which several motions shall have precedence in the order in which they stand arranged, and the motion for adjournment shall be an order, and be decided without debate.

XIV. If the question in debate contain several points, any member may have the same divided.

XV. In filling up blanks, the largest sum and longest time shall be first put.

XVI. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by vote of the Council, and without debate.

XVII. When the yeas and nays shall be called for by two of the members present, each member called upon, shall, unless for special reasons, be required by the Council, declare openly, and without debate, his

assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically.

XVIII. On a motion made and seconded to shut the doors of the House, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and, during the discussion of such motion, the doors shall remain shut, and no motion shall be deemed in order to admit any person or persons, whatsoever, within the doors of the Council Chamber, to present any petition, memorial, or address, or to hear any such read.

XIX. The following order shall be observed in taking up the business of the Council, viz.: Motions, petitions, resolutions, reports of standing committees, reports of select committees, orders of the day.

XX. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the House announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Legislative Council thereafter.

XXI. On a question when the ayes and nays are called for, in the event of a tie, the question shall be decided in the negative.

XXII. All questions shall be put by the President of the Council, and the members shall signify their assent or dissent by answering *viva voce* aye or no.

XXIII. The President of the Legislative Council, or President pro tempore, shall have the right to name a member to perform the duties of the chair; but such substitute shall not extend beyond an adjournment.

XXIV. Before any petition or memorial, addressed to the Legislative Council shall be received and read at the table, whether the same be introduced by the President or a member, a brief statement of the contents of the petition or memorial, shall verbally be made by the introducer.

XXV. One day's notice at least, shall be given of an intended motion for leave to bring in a bill; and no bill shall be written or printed, except by express order of the Council.

XXVI. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Legislative Council unanimously direct otherwise.

XXVII. No bill shall be committed or amended, until it shall have been twice read; after which it may be referred to a committee.

XXVIII. The final question upon the second reading of every bill, resolution, or motion, requiring three readings previous to being passed, shall be "whether it shall be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present; but it shall at all times be in order before the final passage of any such bill, resolution or motion, to move its commitment, and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution or motion, shall be again read a second time, and considered as in committee of the whole, and then the aforesaid question shall be put.

XXIX. The titles of the bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the journals.

XXX. The following standing committees to consist of not less than three members each, shall be appointed by the President at the commencement of each session, with leave to report by bill or otherwise: A committee on the Judiciary; a committee on the Militia; a committee on Finance; a committee on Elections; a committee on Claims; a committee on Agriculture; a committee on Internal Improvements; and a committee on Enrolled Bills.

XXXI. All confidential communications made by the Governor of the Territory of Florida to the Legislative Council, shall be by the members thereof kept secret, until the Council by their resolution, take off the injunction of secrecy.

XXXII. All information or remarks, touching or concerning the character or qualifications of any person nominated by the Governor to office, shall be kept secret.

XXXIII. When acting on confidential or Executive business, the House shall be cleared of all persons, except the Clerk, the Sergeant at Arms, and Door Keeper.

XXXIV. The proceedings of the Legislative Council, when not acting as in committee of the whole, shall be entered on the journals as concisely as possible, care being taken to detail a true and accurate account of the proceedings.

XXXV. Messengers may be introduced in any stage of the business, except while a question is putting, while the yeas and nays are calling, or while the ballots are counting.

XXXVI. The Governor and Secretary of the Territory, former members of the Council, and the Judges of the Supreme Courts, shall be admitted to a seat within the bar of this House, upon being invited by any member of the Council.

XXXVII. The Clerk of the Legislative Council, the Sergeant at Arms and the Door Keeper, shall severally be sworn by the President of the Council, well and faithfully to discharge their respective duties, and to keep secret the proceedings of the House when sitting with closed doors.

XXXVIII. No bill shall be introduced in the House on the last week of the session, unless by unanimous consent of the Council.

XXXIX. All resolutions presented to this House, shall be on the table one day before any vote shall be taken on the adoption of the same, unless by unanimous consent of the House, this rule be waived.

Mr. Gantier, offered the following resolution resolved, "that the secretary of the Territory be requested to furnish for the use of the Legislative Council such printed copies of all laws passed at prior sessions of this Council, as may be found in his office.

Which was read, the rule being waived, put on its passage and adopted.

The resolution offered on yesterday by Mr. Gibson was taken from the order of the day and read, on his motion its further consideration was postponed till to-morrow.

The House then adjourned till to-morrow twelve o'clock.

THURSDAY, January 4th, 1838.

A quorum of the House met pursuant to adjournment, and the journal of yesterday's proceedings was read.

On motion of Mr. Blount, the Governor's Annual Message was taken from the table, and referred to the Committee of the whole House.

The House, in committee, took the same under consideration. After some time spent therein, the committee rose; and Mr. Blount, chairman therefrom, reported the following Resolution; to wit:

Resolved, That so much of the Governor's Message, as relates to the Banking institutions of the Territory, be referred to the committee on Banks.

That so much thereof, as relates to the revenue of the Territory, and the present system of taxation, be referred to the committee on Finance.

That so much thereof, as relates to rail-roads, highways and canals, be referred to the Committee on Internal Improvements.

That so much thereof, as relates to the losses sustained by the citizens of Florida from Indian depredations, and for services rendered the Territory, that portion thereof relating to the Tallahassee Fund: As also the permanent establishment of a boundary line between Georgia and Florida, and the consideration of the means necessary or proper to be adopted in relation to the extensive claims of Spanish subjects on our Territorial domain, be referred to the committee on the state of the Territory.

Resolved further, That so much of the Message as relates to the policy, the mode and manner, of our admission into the National Union as a sovereign State, be referred to a select committee, to be appointed by the President, and to consist of ten members; three from the western district, three from the middle district, three from the eastern district, and one from the southern district.

Which report was concurred in by the House, and the resolution adopted.

Mr. Fitzpatrick, pursuant to previous notice, asked and obtained leave, to introduce a bill to legalize the suspension of specie payments by the Banks in this Territory, and to fix the time for the resumption of specie payments by said Banks.

Which was read, and ordered to be read again on to-morrow.

Mr. Bannerman gave notice, that he will, on some future day, ask leave to introduce a bill, entitled "An Act to alter and amend the several acts now in force in this Territory in relation to public roads and highways.

Mr. Douglas gave notice, that he will, on some future day, ask leave to introduce a bill to amend the Act entitled "An Act to incorporate the Southern College at St. Augustine," approved Feb. 11, 1837.

Also a bill amendatory of the several Acts now in force, relative to the election and appointment of Sheriffs, and other county officers.

Mr. Hart gave notice that he will on some future day present a bill to be entitled, An Act to amend the charter of the Bank of Jacksonville.

Mr. Croskey gave notice, that he will on Monday next, ask leave to introduce a bill to incorporate the Trustees of St. Andrew's College in West Florida, and for other purposes.

Also, a bill to restrain private and unincorporated associations from assuming the style and exercising the privileges of chartered incorporations.

Mr. Bannerman offered the following resolution:

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of changing the law requiring the sales by Marshals, in all the counties, to be on the same day—which was read, and laid on the table till to-morrow.

Mr. Croskey offered the following:

Resolved, That the Auditor of the Treasury be directed to institute legal proceedings against those Sheriffs who have not complied with the law of the last session relating to the census.

Which was read and laid on the table until to-morrow.

Mr. Fitzpatrick, from the select committee appointed to contract for the printing &c., reported to the House, the proposals of Mr. S. S. Sibley, and the bond taken by the committee from him for performing the said contract.—Which were read, agreed to, and laid on the table.

A bill to be entitled An Act to repeal An Act passed on 20th Nov. 1828, to raise a revenue for the Territory of Florida, was taken from the orders of the day, read the second time, and on motion of Mr. Wyatt referred to the committee on Finance.

The resolution heretofore offered by Mr. Gibson, concerning the election, and qualifications of the member from Mosquito County, was on his motion withdrawn by him.

Mr. President laid before the House, the annual report of the Auditor and Treasurer of the Territory, which on motion of Mr. Long, were laid on the table, and fifty copies of each ordered to be printed.

The House then adjourned until to-morrow at 12 o'clock.

FRIDAY, Jan. 5th, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Wm. H. Shaw, the member elect from Monroe County, appeared, was, on motion of Mr. Fitzpatrick, qualified and admitted to a seat in this House.

Mr. Douglas, pursuant to notice heretofore given, asked and obtained leave to introduce a bill to amend an Act entitled "An Act to incorporate the Methodist Episcopal Church, in St. Augustine," approved 13th Nov. 1835; which was read and ordered to be read a second time on Monday next.

Mr. Livingston, pursuant to notice heretofore given, asked and obtained leave, to introduce a bill to be entitled "An Act to fix the county site of Madison county—which was read, and ordered to be read a second time on Monday next.

Mr. Blackburn, pursuant to notice heretofore given, asked and obtained leave to introduce a bill, to be entitled "An Act to amend an act entitled An Act to prevent any person in this Territory from carrying arms secretly," approved, Feb. 14th, 1835. Which was read, and ordered for a second reading on Monday next.

On motion of Mr. Drake, Mr. Shaw was added to the Committee on Finance.

On motion of Mr. Fitzpatrick, Mr. Shaw was added to the Committee on Banks, and the Committee on the state of the Territory.

On motion of Mr. Johnston, Mr. Gibson was added to the Committee on Elections.

Mr. Douglas gave notice that he will, on some future day, ask leave to introduce a bill to change the time of holding the County Courts in St. John's county, and for other purposes.

In pursuance of the resolutions adopted on yesterday, requiring the President to appoint a select committee to consist of ten members, he named to the House the following committee, to wit:—

From the West; Messrs. Gautier, Blount and Vaughan.
From the Middle; Messrs. Wyatt, Johnston and Livingston.
From the East, Mills, Brown and Douglas; and from the Southern Judicial District, Fitzpatrick.

Mr. Long moved that an additional member be added from the Western District, on the ground that the member of Franklin county was from the Middle District.

Which motion was lost.

Mr. Blackburn offered the following:

Resolved, That the Secretary of the Territory, be, and he is

hereby, required to report to this House as soon as practicable, the cause, if any, which has prevented him from distributing the Acts of the last Legislative Council among the different officers, who are entitled to a copy—which was read and laid on the table till Monday.

Mr. Mills, presented a certain preamble and resolutions, concerning the transportation of the mail in Alachua county—which was read and laid on the table till Monday.

A bill to regulate the suspension of specie payments by the banks in this Territory, and to fix the time for the resumption of specie payment by said banks, was read the second time and on motion of Mr. Fitzpatrick, referred to the committee on banks.

The resolution offered on yesterday by Mr. Bannerman on motion of Mr. Gautier was laid on the table.

The resolution offered on yesterday by Mr. Croskey was on his motion postponed until Monday next.

The House then adjourned until Monday next 12 o'clock.

Mo. 1838, January 8, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of Friday last was read.

On motion of Mr. Mills, David Levy, the member from St. Johns, James S. Bell, a member from Hamilton, and Joseph Higginbotham, the member from Nassau County, were severally sworn and admitted to their seats in this House.

On motion of Mr. Blount, Mr. Higginbotham was added to the committees on Agriculture and Militia.

On motion of Mr. Fitzpatrick, Mr. Levy was added to the committees on the Judiciary, on Banks and on the state of the Territory.

Also on his motion Mr. Bell was added to the Committees on Agriculture, the Militia and Claims.

Mr. Gautier gave notice that he will on a future day ask leave to introduce a bill to be entitled an act to constitute a county to be called Calhoun County, to be taken from the counties of Franklin, Jackson and Washington.

Also, that he will on some future day, introduce a bill to be entitled an act concerning elections.

Mr. Levy moved that the following rule be added to the rules already adopted for the government of this House, viz: That

no bill shall pass to a second reading until a printed copy of the same shall have been furnished to each member.

Which motion was laid on the table.

On motion of Mr. Mills, W. H. Brockenbrough, the member elect from the county of Mosquito, was sworn and admitted to a seat in this House.

Mr. Wyatt presented the petition of J. J. Clark, praying for certain privileges therein mentioned.

Which was read and referred to the committee on the State of the Territory.

Mr. Long offered the following resolution:—

Resolved, That the Committee on printing enquire into the necessity of printing the Condensed Acts, together with the Laws passed by the Governor and Legislative Council in the year 1829, with leave to report by bill or otherwise.

Which was read and laid on the table till to-morrow.

On motion of Mr. Croskey, Mr. Brockenbrough was added to the Committee on the Judiciary, on Banks, on Finance, and on Enrolled Bills.

On motion of Mr. Douglas, it was ordered that the list of Standing Committees, with the additional members thereto, be reprinted.

Mr. Gautier from the Select Committee, to which was referred a bill to be entitled "An Act to amend An Act to incorporate the city of Apalachicola," reported the same amended.

Which was read by its title—thirty copies ordered to be printed, and ordered for a second reading on to-morrow.

The following resolution, viz:—

Resolved, That the Auditor of the Treasury be directed to institute legal proceedings against those Sheriffs who have not complied with the law of the last session, relating to the census, heretofore offered by Mr. Croskey, was read and laid on the table.

A bill entitled An Act to amend An Act, entitled "An Act to incorporate the Methodist Episcopal Church in St. Augustine, approved January 13, 1835.

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill entitled An Act to fix the county site of Madison county, was read a second time, and referred to the Committee on the State of the Territory.

A bill entitled "An Act to amend An Act (approved on the 14th day of February, 1835,) entitled An Act, to prevent any person in this Territory from carrying arms secretly; was postponed till to-morrow.

A resolution heretofore offered by Mr. Blackburn, was postponed till to-morrow.

The resolution heretofore offered by Mr. Mills respecting the conveyance of the mail in Alachua county, was read a second time and adopted.

The House then adjourned till to-morrow 11 o'clock.

TUESDAY, January 9th, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

The President laid before the Legislative Council the proceedings of the National Convention of Business Men, held at Philadelphia, which was laid on the table.

Mr. Wyatt gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled An Act to give a lien to Mechanics and Master Builders, and to repeal certain other acts relating to the same subject.

On motion of Mr. Blount, the Governor's Message, with the Memorial of Gen. Gadsden, was taken from the table, and referred to the committee on Internal Improvements.

Mr. Gibson gave notice, that he will, on some future day, introduce a bill to provide for the appointment of weighers of cotton in the principal cotton markets of Leon County.

Also a bill to guard against accidents on rail-roads, and for other purposes.

Also a bill to punish and prevent the circulation of seditious papers, and all publications having a tendency to disturb or endanger the public peace.

Also a bill or resolution, to secure in a certain event, two branches or separate houses of legislation for this Territory, and the appointment of Governor by popular election.

Mr. Bannerman moved that the following resolution: viz:

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of changing the law requiring the sales of Marshals in all the counties to be on the same day, be taken from the table and placed amongst the orders of the day.—Which motion prevailed.

Mr. Croskey, pursuant to previous notice, asked and obtained leave to introduce a bill entitled An Act to charter and incorporate the Trustees of the St. Andrews College, in West Florida.—Which was read and ordered for a second reading to-morrow.

Mr. Hart presented the petition of Geo. Fleming, praying a

divorce from his wife Mary M.—Which with the accompanying document, was on his motion, referred to a select committee.

Messrs. Hart, Mills, and Brown, were appointed the same.

Mr. Douglas offered a resolution concerning School Lands.—Which was read and 30 copies ordered to be printed.

Mr. Kenan, offered the following resolution: viz:

Resolved, That a select committee be appointed to revise and amend the patrol laws of this Territory, and that they report by bill or otherwise.—Which was read and ordered for to-morrow.

A resolution heretofore offered by Mr. Blackbeard, was read, amended, and laid on the table.

A resolution heretofore offered by Mr. Long, in relation to the printing of the condensed acts, was read and adopted.

The resolution heretofore offered by Mr. Baugerman, and to-day taken from the orders of the day, was read and adopted.

A bill entitled an act to amend an act entitled An Act to incorporate the Methodist Episcopal Church in St. Augustine, approved January 4th, 1835, was read a third time and passed. Ordered that the title be as above stated.

The House then adjourned till to-morrow, 12 o'clock.

WEDNESDAY, January 19th, 1838.

A quorum of the House, at pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Long gave notice, that he will on to-morrow ask leave to introduce a bill to be entitled An Act to incorporate the Southern Joint Stock Company for the establishment of certain manufactorys, and the encouragement of labor in the Territory.

Mr. Wyatt, pursuant to previous notice, asked and obtained leave, to introduce a bill entitled An Act giving a lien to Mechanics and Master Builders, and to repeal certain other acts relating to the same subject.—Which was read, and ordered for a second reading on to-morrow.

Mr. Dozier, pursuant to previous notice, asked and obtained leave, to introduce a bill entitled An Act to authorize James T. Pattison to build a Bridge over the Ossella river.—Which was read, and ordered for a second reading to-morrow.

Mr. Hart, pursuant to previous notice, asked and obtained leave, to introduce a bill entitled, An Act to amend An Act en-

titled, An Act to incorporate the Bank of Jacksonville.—Which was read, and ordered for a second reading to-morrow.

Mr. Baugerman, pursuant to previous notice, asked and obtained leave, to introduce a bill entitled An Act in addition to the several acts now in force in this Territory in relation to Public roads and highways.—Which was read, and ordered for a second reading to-morrow.

Mr. Drake presented the petition of Thos. Easton.—Which was read and referred to the committee on claims.

Mr. Mills offered a preamble and resolutions respecting the navigation of the Santa Fe river.—Which was read, and laid on the table till to-morrow.

Mr. Wyatt, from the committee on the Seal of the Territory, reported a bill to be entitled An Act to fix the County site of Madison County, without boundaries.—Which report was concurred in by the House, and the bill ordered to be engrossed for a third reading to-morrow.

Mr. Douglas, from the committee on Banks, to which was referred a bill to legalize the suspension of specie payments by the Banks in this Territory, and to fix the time for the resumption of specie payments by said banks, reported said bill amended.—Which report was concurred in, and said bill was read a second time and laid on the table, and 50 copies ordered to be printed.

Mr. Dozier, from the committee on Unruled Bills, reported the Preamble and Resolution respecting the conveyance of the mail in Alachua County, as corrected, enunciated,—which was signed by the President and Chief Clerk.

Mr. Fitzpatrick, on the committee on printing made the following

REPORT

The committee on printing, to which was referred the resolution "to enquire into the necessity of printing the condensed acts together with the laws passed by the Governor and Council in the year 1829. REPORT, That they have been informed by the Secretary of the Territory that the Governor, by order of the Legislative Council of 1836, has rescinded the contract of James D. Westcott for a compilation of the laws to year 1834, and commenced suit against Mr. Westcott and his securities; and has entered into an agreement with the Secretary of the Territory to make a compilation in the same way Mr. Westcott was to have done; which will be completed, printed, and bound, ready for delivery in time for the full term of our courts. The committee are therefore, of opinion, that there is no necessity for printing the acts referred to in the resolution submitted to them.

R. FITZPATRICK, Chair'm.

Which report was concurred in.

Mr. Gautier, from the select committee on the State of the Territory, reported a bill to be entitled An Act for the taking of a census of Florida,—which was twice read, (the rule being waived), laid on the table, and 50 copies ordered to be printed.

A bill to be entitled An Act to amend An Act, (approved on the 14th day of February, 1835,) entitled An Act to prevent any person in this Territory from carrying arms secretly, was read a second time, and referred to the committee on the Judiciary.

A bill to be entitled An Act to charter and incorporate the Trustees of the St. Andrews College in West Florida, was read the second time, and referred to the committee on Schools and Colleges.

The following Resolution heretofore offered by Mr. Kenan, viz:

Resolved, That a select committee be appointed to revise and amend the Patrol Laws of this Territory, and that they report by bill or otherwise; was read the second time and adopted.

Messrs. Kenan, Exum, and Mills, were appointed thereon.

The House then adjourned till to-morrow 12 o'clock.

THURSDAY, January 11th, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Long gave notice that he will on some future day, ask leave to introduce a bill to be entitled, "An Act to amend An Act concerning dower."

Also pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled "An Act to incorporate the Southern Joint Stock Company, for the establishment of certain manufactories, and the encouragement of labor in Florida."

Which was read, and ordered to have its second reading to-morrow.

A resolution heretofore offered by Mr. Douglas, was, on his motion, taken from the table and placed among the orders for Monday next.

Mr. Blackburn moved that a resolution heretofore offered by him, respecting the distribution of the laws, be taken from the table and placed amongst the orders of the day.

Mr. Gibson presented the petition of F. B. Whiting, Intendant of St. Marks, and others—Which was read, and referred to the Committee on the Judiciary.

The President laid before the House a communication from the Judges of the Court of Appeals, submitting a statement of the affairs of the Southern Life Insurance and Trust Company, and concerning certain duties assigned them by the charter of said Company.—Which was read, and with the statement therin alluded to, referred to the Committee on Banks.

Also a statement of the affairs of the Commercial Bank of Florida.—Which was referred to the Committee on Banks.

Mr. Dozier, from the Committee on Enrolled Bills, reported as correctly enrolled, "An Act to amend An Act, entitled An Act, to incorporate the Methodist Episcopal Church in St. Augustine, approved January 15, 1835.—Which was signed by the President and certified by the Chief Clerk.

An engrossed bill entitled, "An Act to fix the county site of Madison county.—Was read the third time and passed; ordered that the title be as above stated.

A bill entitled "An Act giving a lien to mechanics and master builders, and to repeal certain other Acts relating to the same subject."—Was read a second time and referred to the Committee on the Judiciary.

A bill entitled, "An Act to authorise James S. Pattison, to build a bridge over the Oscilla river,"—Was read a second time and referred to the Committee on Internal Improvements.

A bill entitled, "An Act to amend An Act entitled An Act to incorporate the Bank of Jacksonville."—Was read the second time and referred to the Committee on Banks.

A bill entitled, "An Act in addition to the several Acts now in force in this Territory, in relation to public roads and highways,"—Was read the second time and referred to a Select Committee.

Messrs. Bannerman, Kenan, and Mills, were appointed thereon.

A preamble and resolution offered on a former day by Mr. Mills, was, on his motion, read and laid on the table till Monday.

A resolution heretofore offered by Mr. Blackburn, concerning the distribution of the laws, was taken from the table and read.

Mr. Blackburn moved, by way of amendment, a substitute therefor, in the words following, to wit:—

Resolved, That the Governor be requested to inform this House as soon as practicable, the causes which have prevented the distribution of the Acts of the last Legislative Council in the manner as provided by law.

Which substitute was received and adopted by the House.

The House then adjourned till to-morrow at 12 o'clock.

FRIDAY, January 12th, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Dozier gave notice, that he will, on some future day, ask leave to introduce a bill entitled, "An Act to authorize John Bellamy to render the Oscilla river navigable."

Mr. Gauthier gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled, "An Act to prevent any foreign banking or other corporations or companies from exercising corporate privileges in this Territory."

Mr. Blackburn gave notice, that he will, on a future day, ask leave to introduce a bill to be entitled, "An Act to regulate the license on retailers of spirituous liquors."

Mr. Lake, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, "An Act to amend An Act concerning Dower."—Which was read and ordered for a second reading on Monday next.

Mr. Long from the Select Committee to whom was referred the subject of injury to property, with leave to report by bill or otherwise, reported the following bill, viz:

(A bill to be entitled, "An Act to authorize limited partnerships.")—Which was read by its title—laid on the table, and 100 copies ordered to be printed.

Mr. Bannerman from the Select Committee to whom was referred a bill entitled, An Act in addition to the several acts now in force in this Territory, in relation to public roads and highways, reported said bill without amendment—which report was concurred in, and said bill laid on the table, and copies ordered to be written.

A bill entitled, "An Act to incorporate the Southern Joint Stock Company, for the establishment of certain manufactorys, and the encouragement of labor in Florida."—Was read a second time and referred to the Committee on the Judiciary.

The House then adjourned till Monday 12 o'clock.

MONDAY, January 15th, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Bell gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled, "An Act to establish the county site of Hamilton county—and to repeal An Act en-

titled, "An Act to make permanent the county site of Hamilton county," passed 15th January, 1836.

Mr. Mills gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled, "An Act to authorize Edmund Bird to establish a ferry over the Santa Fe River, at Fort White."

Mr. Gauthier, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, "An Act to prevent any foreign banking or other corporations or companies, from exercising corporate privileges in this Territory."—Which was read and ordered for a second reading on to-morrow.

Mr. Blount gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled, "An Act to incorporate the Aransas Rail Road Company."

Mr. Blackburn gave notice, that he will, on to-morrow, ask leave to introduce a bill to be entitled, "An Act to authorize the trustees of the Jefferson Academy, to rent the school lands within the county of Jefferson, and for other purposes."

Also a bill to be entitled, "An Act to repeal certain bank charters."

Mr. Fitzpatrick gave notice, that he will, on some future day, introduce a bill to incorporate the Florida Peninsula Rail Road and Steamboat Company.

Mr. Long gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled, "An Act to amend the several acts regulating county courts of the Territory."

Mr. Shaw gave notice, that he will, after to-day, ask leave to introduce a bill to be entitled, "An Act to create a fund for the education of poor children in Monroe county."

Also, that he will, after to-day, ask leave to introduce a bill to be entitled, "An Act to incorporate the City of Key West."

Mr. Blackburn, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled, "An Act to regulate licence on retailers of spirituous liquors."

His Excellency the Governor, transmitted to the House, a communication in the words following to wit:

TALLAHASSEE, January 15, 1838.

To the Legislative Council of Florida:

GENTLEMEN:—I deem it proper to call your attention to the evil consequences which result from the sale of spirituous liquors to the friendly Indians of the Apalachicola band, and to recommend the adoption of suitable measures for their correction. In the neighborhood of each of the Indian towns, there are several shops, from which intoxicating liquors, are furnished them.

greatly to the injury of the Indians themselves, and to the neighboring inhabitants. Like all other savage tribes, their thirst for ardent spirits is insatiable, and they will dispose of their food and clothing, and all they can acquire by labor or theft, in order to procure it. I would recommend to the Legislative Council, the passage of a law to punish, with fine and imprisonment, any person who may be convicted of selling ardent spirits to any Indians within this Territory. I think it proper that they should also be restricted in the purchase of gun powder, and if they are permitted to buy it at all, it should be under the direction of the agent, or superintendent, and in such quantities only, as will leave them without their power of doing mischief.

R. K. CALL,
Gov. of Florida.

Which was read and referred to the Committee on the State of the Territory.

Mr. Douglas from the Committee on Banks, to whom had been referred a bill entitled, "An Act to amend an act entitled, An Act to incorporate the bank of Jacksonville," reported said bill to the House without amendment.—Which report was concurred in, said bill laid on the table, and twenty six written copies ordered.

Mr. Gautier from the Select Committee, to whom was referred that part of the Governor's Message relating to State Government, made the following report:

The Select Committee to whom was referred so much of the Governor's Message, as relates to the organization of the people of Florida as an Independent State, and its becoming a member of the National Confederacy, have had the same under consideration and beg leave to

REPORT,

That the recent decided expression of public sentiment by a large majority of votes in favor of a State Government, have made it their duty, favorably yet dispassionately, to consider the proposition submitted to their action; and in arriving at conclusions according with the popular will, they cannot but congratulate the people of the Territory on the harmony of their views, and the cheering prospect of a speedy consummation of their wishes. The fertility of our soil, the salubrity of the climate, the social and enterprising character of our citizens, notwithstanding the disheartening incidents of the Indian war, have contributed to a steady increase of our population, and a development of the resources in which Florida so richly abounds.

The arguments mainly urged by the opponents to a State Government, are based upon a supposed increase of the taxes, of the inability and unwillingness of our people to meet them, and the withdrawal of national appropriations from objects of internal improvement in the Territory. Your Committee however can not but regard these objections as untenable.

Other territories under circumstances far less auspicious, have creditably assumed the responsibilities of a State Government, and confirm your Committee in the opinion that the difficulties anticipated by those who differ from us, may be met and resisted by prudence, economy and a vigilant and faithful use of the means within our control.

The examples set by the states of Michigan and Arkansas, should not be lost upon us. Those states, although having perhaps a greater population, are wanting in the inexhaustible resources which open to us a field of wealth, enterprise, and the prospects of a bright future,—and which properly directed, will make Florida as noted for her canals, her rail roads, her manufactories and her cities, as she now is for her genial climate and fruitful soil. If Michigan, a region fettered in chains of ice almost a moiety of each season, —without a direct foreign commerce, isolated in her position and restricted to the less productive culture of the north, has assumed the responsibilities of a State Government. If Arkansas, without a sea port, located on the outmost bounds of civilization, surrounded on her extreme frontier by hordes of savage tribes, and a boundless extent of trackless and unknown forests, which for centuries hence cannot be the abode of civilized man, much less the source of prosperity and trade, can assume the proud station of a Sovereign State and support its expences, why should Florida, with a sea board of more than fifteen hundred miles in extent, with a climate and soil adapted to the cultivation of the vine, the sugar cane, sea island cotton, and many of the tropical fruits,—with many noble rivers and harbors, suited to the commerce of the interior, and occupying a favorable position to the West India Islands, and central to the carrying trade between the North and the South, be denounced as unfit and incompetent to the task. To doubt it, is to doubt the patriotism, the energy and the spirit of her people. The revenue to be derived from a moderate tax on the productive classes of society, on the various chartered privileges granted to individuals and institutions, on the extensive fisheries on our seaboard, and the prospect of an increasing population brought into the Territory by a change in our condition, warrant the belief that the fiscal concerns of the Government could be creditably managed, and without extraordinary taxation.

That the munificent aid of Congress will be withheld from works of National concern in our limits, is an assumption not warranted by the history of the past. The peculiar local position of Florida, whether as a State or a Territory, has and will ever command the fostering care of the General Government — and a change in our relations as a co-ordinate member of the great family of American States, will rather add to, than diminish our claims to its consideration and bounty. The commerce of the Union, the transportation of the mails, and the free communication in time of war between the northern and southern portions of the Republic, will much depend upon the protection and aid extended to Florida; and in the anticipation of a liberal legislation by Congress, your Committee rely as well on their motives of interest, as of justice and enlightened policy.

Among the many advantages arising from a change in our Territorial condition, your Committee recognize as one of inestimable value, the right of selecting their own officers. The free and full exercise of this privilege, in all time, and by every people, has been highly prized; and its denial by arbitrary power has frequently been followed by discontent and revolution. The appointing power of the crown, and the irresponsible acts of its agents led to the Declaration of Independence, as it now has to the warlike movement in Canada. The people of Florida coming from all parts of the Union, nursed in the lap of liberty, and taught to consider their safety and well-being as connected with a direct responsibility in their officers, may well be excused for claiming the exercise of a right endeared to them by the history of their fathers, and inseparable from their notions of freedom. And shall this privilege, so sacred to others, be waived through a paltry consideration of dollars and cents? Shall this argument lead us to the abandonment of a right which may be had for the asking, and which the subjects of other countries are demanding at the point of the bayonet? We trust not. Our constituents have spoken on this matter;— we are bound as their representatives to carry out their will;— and feel assured from the experience of the past, that in the utterance of every honorable sentiment, and in the adoption of any measure adding to the dignity, the power, the influence of the people, this Legislature will be responded to by a generous and enlightened constituency.

It is acknowledged that a direct accountability to the people, will insure from their public servants a more vigilant discharge of their duties; the responsibility imposed on the constituent in the selection of the most important agents, would be felt in the improved intelligence of the country. There would be between

them a mutual stimulus, for election tends to the propagation of liberal principles, and the right to elect of the public mind; — while as our highest officers, Judicial and Executive, are appointed by a distant and irresponsible power, their accountability to those whom they govern is indirect, weak, and at war with the spirit of our institutions. Persons holding office by this tenure can have but little communication with the people. Just opposition to their re-appointment, when the period arrives, is stilled by social, party, and personal combinations; offices are awarded by coalitions of men in power, and claims and recommendations sent abroad as the voice of the people, which at home would be stamped with derision and contempt. Places of responsibility and trust are exchanged, bartered, and transferred, at the will of the members; and favoritism has been more the standard for promotion than qualifications or worth.

The committee anticipate from Congress, on the admission of Florida into the Union, that liberal legislation which has prompted them to make to many of the new States extensive grants of the public domain.

The unappropriated funds from private entry are daily becoming less valuable, and by unnecessary delay our interest in them may be seriously lessened; and when it is known and acknowledged that to this source we must look for the completion of those splendid works of internal improvement, which are to give new impulse to the industry of the country, and to make our rail-roads the thoroughfare of the nation, the motive for immediate action is obvious and urgent. In addition to these anticipated donations, an act of Congress appropriates to the several States five per cent. of the money arising from sales of public lands in their respective boundaries. This would secure to the State of Florida, embracing in its limits so large a portion of public land, a revenue of no inconsiderable value.

An other inducement for our speedy admission into the Union may be urged from the precedent set by Congress of refunding to the new States of Michigan and Arkansas their distributive share of the surplus revenue. This act of injustice to the people of the Territory, who settled and paid for the public domain, will bear oppressively upon the citizens of Florida, who have contributed their full share to the public coffers, unless we speedily assume a position that would enable us to demand what is due. Congress could not refuse what she has so lately granted to the States named; and the judicious investment of that fund would be followed by beneficial results, far outweigh-

ing the temporary inconveniences of setting up for ourselves.—Florida has paid large sums into the public Treasury, a partial return of which, under the distribution law, as a Territory, she may ask as a boon, but which as a State, she may demand as a right.

A further argument showing the necessity of a change in our political condition is to be found in the unproductive state of the school and college lands. These magnificent grants, made by Congress for purposes of education, have been so far valueless to the *pioneers* of the country. The early settlers of Florida, of all others, had stronger claims upon the liberality of Government for aid in the education of their youth, and yet such is the condition of these grants, that they have proved as "a promise made to the ear but broken to the sense."

Our colleges and our academies exist only in the statute books, and the common schools with a dormant capital of more than ~~an~~ hundred thousand dollars, are supported solely by individual contributions.

As a State, we shall have the entire control of these lands, and the result will be felt in the erection of colleges and seminaries of learning, imparting the blessings of education alike to the rich and the poor. The improvement, the moral and social condition of any people, depend upon the public intelligence; and the physical as well as intellectual character of our Territory, will rapidly advance from a judicious application of the means of education thus placed at our disposal.

There is another view of this subject, which appears to your committee as one of high importance, and it is approached with a decent regard to the opinions of our northern brethren, but with a firm and manly resolve, that when the time comes, as come it must, Florida will be found under the banner which maintains the sovereignty with the Union of the States. The sectional jealousies, the fanatic and incendiary movements, which have made the halls of Congress, a scene of confusion, outrage and violence, though smothered for a time, will again burst forth with increased vigor and more relentless purpose. Florida should then be in the *councils* as she will ever be in the *field*, by the side of her sisters.—Her influence, moral, intellectual, and physical, small though it be, thrown into the scale of southern interests, may be felt at a time when the destinies of this empire hang upon a single vote. There is a voice too loud to be unanswered, calling to Florida to take her stand in the ranks of the Union—sovereign and independent—that voice is heard in the mutterings of the abolitionist; in the deep low curses of our enemies, and the shout of defiance from our friends. Shall

we *on to the rescue*, bear with our brethren a part in the contest, or tamely and penitulously cling closer to the fetters of a colonial vassalage? Duty, patriotism, our social and political relations, all demand that we should promptly and boldly assume our rightful station in the confederacy, and if, with our southern brethren, we fail in preserving the national compact, from pollution and disruption, strong considerations still urge us to the measure, as we shall retire from the *old* to the *new* confederacy, with rights, privileges and immunities, co-extensive with our sister States.

Your committee believe, and that opinion is confirmed by the concurrence of intelligent statesmen, that our right to become a State, does not depend on population; it is granted to us by the treaty of cession, and depends alone on our ability to meet a State Government. Without yielding the principle, that our right of admission is clear, undoubted, and distinct from the question of population as fixed by the present ratio of representation, a bill providing for a census of the people of Florida, has been heretofore submitted by the committee, who present herewith to the action of the council, a bill to provide for the calling of a covention, &c. &c.

All of which is respectfully submitted.

PETER W. GAUTIER, Jr. *Chairman.*

Which was read, laid on the table, and five hundred copies ordered.

Also from the same Committee reported a bill entitled, "An Act to call a Convention."—Which was read by the title, laid on the table, and one hundred copies ordered to be printed.

His Excellency the Governor, transmitted to the House, a communication in the words following, to wit:

TALLAHASSEE, 15th January, 1838.

To the Legislative Council of Florida,

GENTLEMEN:—In answer to the call made by the Legislative Council on the Executive, for information with regard to "the causes which have prevented the distribution of the Acts of the last Legislative Council, in the manner as provided by law," I can only inform the Legislative Council, that the necessary orders were given in due season for the distribution of the acts, according to the laws of the Territory, and that, on enquiry, I learn from the private Secretary of the Executive, who in absence of the Secretary of the Territory, was charged with the performance of this duty, that the acts of the last session of the Legislative Council, were forwarded in such num-

bers, and to such persons and places, as the law prescribes. Why they have not arrived at their respective places of destination, if such be the case, the Executive is unadvised. The resolution of the Legislative Council, asking for information on this subject, contains the first intelligence received, by the Executive, that the acts have not been distributed. There are yet remaining in the custody of the Secretary, a number of the acts of the last session of the Legislative Council, and if those already forwarded, have been lost, or miscarried, the inconvenience may be removed, by forwarding others, which may be done under a resolution of the Legislative Council.

R. K. CALL, Gov. of Florida.

Which was read.

The preamble and resolutions offered on a former day by Mr. Mills, were taken from the orders of the day and read; whereupon he moved a substitute in the words following, to wit:

Whereas, the navigation of the Suwannee and Santa Fe rivers are considerations of great importance to the counties of Alachua, Columbia, Madison, and Hamilton, from the great bodies of fertile land bordering the said rivers, and the adjacent country, the shipment of the produce from which districts must naturally pass through said channels.

And it being moreover of great importance to the Government of the United States, that the navigation of said streams be improved to enable the steamboats now employed in transporting supplies for the army, to ascend at all times without difficulty.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That the Delegate in Congress be respectfully requested to endeavor to procure, an appropriation of thirty thousand dollars, for the purpose of removing the obstructions to the navigation of the Suwannee and Santa Fe rivers.

Be it further resolved, That a copy of the foregoing preamble and resolution, be certified to by the President and Chief Clerk of this House, and forwarded to the Honorable Charles Downing.

Which was also read, and said motion agreed to, and the foregoing preamble and resolutions were passed.

His Excellency transmitted to the House, by his private Secretary, Mr. Copeland, the following communication, to wit:

TALLAHASSEE, 15th January, 1838.

To the Legislative Council:

GENTLEMEN,—I have approved and deposited in the office of the Secretary of the Territory, the following act and reso-

lution:—“An act to amend an act entitled, An act to incorporate the Methodist Episcopal Church in St. Augustine, approved January 13, 1835.”—“A resolution requesting our Delegate in Congress to enquire into the causes of the failure of the contractor to deliver the mail at the different post offices in Alachua county.”

R. K. CALL,
Gov. of Florida.

EXECUTIVE OFFICE, TALLAHASSEE, §
January 15th, 1838. §

To the Legislative Council:

GENTLEMEN:—I hereby nominate Horace L. Hegley, of Escambia county, Notary Public for said county.

R. K. CALL,
Gov. of Florida.

Which were read, and the nomination contained in the latter consented to and advised by the House.

A preamble and resolution concerning the school lands offered by Mr. Douglas, on a former day, was read and referred to the Committee of the whole House. The House went into Committee thereon, after some time spent in consideration, the Committee rose. Mr. Wynn Chairman, reported said preamble and resolution to the House, and moved that the Committee of the whole be discharged from its further consideration, which report was concurred in, the Committee discharged, and said preamble and resolutions referred to the Committee on Schools and Colleges.

A bill entitled, “An Act to amend An Act concerning dowers,”—Was read a second time and referred to the Judiciary Committee.

A bill to legalize the suspension of specie payments by the banks in this Territory, and fix the time for the resumption of specie payments by said banks—Was read the second time, and made the order of the day for Monday the 22d instant.

A bill entitled an act to amend an act entitled, “An act to incorporate the City of Apalachicola,”—Was read the second time by its title, and referred to a Committee of the Whole House.—The House, in Committee, took the same under consideration, after some time spent therein, the Committee rose, and Mr. Long Chairman, reported progress, and asked leave to sit again;—Which report was concurred in.

The House then adjourned until to-morrow morning 11 o'clock.

TUESDAY, January 16th, 1837.

A quorum of the House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Bell, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, "an act to establish the county site of Hamilton county," and to repeal an act entitled, "an act to make permanent the county site of Hamilton county, passed 15th January, 1836."—Which was read and ordered for a second reading on to-morrow.

Mr. Mills, pursuant to notice heretofore given, asked and obtained leave to introduce a bill to be entitled, "an act to establish a ferry over the Santa Fe River."—Which was read and ordered for a second reading on to-morrow.

Mr. Drake gave notice, that on some future day, he will ask leave to introduce a bill to be entitled, "an act to authorize Abraham Milsted to erect a toll bridge across the Big Escambia river in the county of Escambia."

Mr. Blackburn, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, "an act to authorise the Trustees of the Jefferson academy, to rent the school lands within the county of Jefferson, and for other purposes."

Which was read the first and second time, (the rule being waived for that purpose) and referred to the Committee on Schools and Colleges.

Mr. Fitzpatrick gave notice, that he will, on some future day, introduce a bill to incorporate the Tropical Plant Company.

Mr. Shaw, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, "an act to create a fund for the education of poor children in the county of Monroe."

Which was read the first and second time, (the rule being waived) and referred to the Committee on Schools and Colleges.

Also a bill to be entitled, "an act to incorporate the City of Key West."—Which was read the first and second time, (the rule being waived for that purpose) and referred to the Judiciary Committee.

Mr. Gautier, pursuant to notice heretofore given, asked and obtained leave to introduce a bill to be entitled, "an act to organize the county of Calhoun, and for other purposes."

Which was read the first and second time, (the rule being for that purpose waived) and referred to the Committee on the State of the Territory.

Mr. Hart gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled, "an act to regulate pi-

lots and plats, in the basis of St. John's and Nelson rivers."

Mr. Shaw gave notice, that he will, on some future day, ask leave to introduce a bill to incorporate Jaxon in the Southern District of Florida.

Mr. Blackburn presented the memorial of the Trustees of the Jefferson academy.—Which was referred to the Committee on Schools and Colleges.

Mr. Fitzpatrick presented the petition of J. N. L. Norman.—Which was referred to the Committee on Schools and Colleges.

Mr. Douglas presented the petition of James Thrasher, praying to be divorced from his wife, Ann Drake.—Which, with the accompanying documents, was read and referred to a Select Committee.—Mr. J. D. Douglass, Hart and Mills, were appointed to said committee.

Mr. Shaw presented the petition of sundry citizens of the city of Key West, praying an amendment of their city charter.—Which was referred to the Judiciary Committee.

Mr. Dozier from the Committee on Enrolled bills, reported as correctly enrolled, "an act to fix the county site of Madison county."

A bill to enquire an act to regulate license on retailers of spirituous liquors.—Was read a second time and referred to the Committee on the State of the Territory.

A bill to be entitled, "an act to amend an act entitled, an act to incorporate the city of Apalachicola, was again taken into consideration by the Committee of the Whole House. Mr. Long in the chair—after some time spent in consideration, the committee rose, and Mr. Long, chairman therefrom, reported said bill to the House, and moved that the committee of the whole be discharged from its further consideration.—Which report was agreed to, the committee discharged, and said bill referred to the Judiciary Committee.

A bill to be entitled, "an act to authorize limited partnerships, was taken from the orders of the day—read a second time by its title, and made the order of the day for Friday next.

A bill to be entitled, "an act for the taking of a census of Florida."—Was, on motion of Mr. Gauthier, taken from the table and made the order of the day for to-morrow.

The House then adjourned until to-morrow morning 11 o'clock.

WEDNESDAY, January 17th, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Long, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, "An act to amend the several acts, regulating county courts in this Territory."

Which was read the first and second time, (the rule being waived for that purpose) and referred to the Judiciary Committee.

Mr. Wyatt, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, "An act providing for a general system of internal improvement for Florida."—Which was read the first and second time (the rule being for that purpose waived) and referred to the Committee on Internal Improvement.

Mr. Gibson, pursuant to notice heretofore given, asked and obtained leave to introduce a bill to be entitled, "An act for the appointment of Weighers of Cotton, for the city of Tallahassee, and town of St. Marks, in this Territory."—Which was read the first time and ordered for a second reading on to-morrow.

Mr. Gautier gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled, "An act to amend an act incorporating the city of St. Joseph.

Mr. Hart gave notice, that he will, on some future day, ask leave to present a bill to be entitled, "An act to establish a ferry across St. Johns river, at Jacksonville."

Mr. Shaw gave notice, that he will, on some future day, ask leave to introduce a bill further to amend, "An act to incorporate the Lafayette Salt Company of Key West."

Mr. Douglas gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled, "An act to change the time of holding the county court of St. John's county, and for other purposes."

Mr. Bell offered the following resolution:

WHEREAS, The citizens of Alachua, Columbia, Hamilton, and Madison Counties, are deeply interested in the speedy navigation of Suwannee and its tributary streams, and there having been a memorial from this House already, soliciting an appropriation for the improvement of Suwannee and Santa Fe Rivers; and whereas, this object of navigating said rivers cannot be advantageously accomplished without a Port of Entry at or near the mouth of Suwanee.

Be it Resolved, therefore, by the Legislative Council of

the Territory of Florida, That the Committee on the State in the Territory be instructed to enquire into the expediency of memorializing Congress for the establishing a Custom House at or near the mouth of Suwanee.

Which was read and ordered for to-morrow.

Mr. Long from the Committee on Internal Improvement to whom was referred a bill to be entitled, "An act to authorize James Patterson to build a bridge over the Ockilla river,"—reported the same to the House without amendment, which report was concurred in by the House, and said bill is ordered to be engrossed for a third reading on to-morrow.

Mr. Dozier from the Committee on Enrolled Bills, reported the "preamble and resolution concerning the obstructions in the Suwannee and Santa Fe rivers as correctly enrolled."

Mr. Douglas, from the Select Committee, to whom was referred the petition of James Trathen, praying to be divorced from his wife, Ann Drew, reported a bill to be entitled, "An act to dissolve the bands of matrimony between James Trathen and Ann his wife."—Which report was concurred in, said bill was read and ordered for a second reading on to-morrow.

Mr. Hart, from the Select Committee, to whom was referred the petition of George Fleming, praying to be divorced from his wife Mary, reported a bill to be entitled, "An act to divorce George Fleming and Mary M. Fleming."—Which report was concurred in—said bill was read and ordered for a second reading on to-morrow.

A bill to be entitled, "An act to establish the county site of Hamilton county, and to repeal an act entitled, An act to make permanent the county site of Hamilton county, passed 15th January, 1836."—Was read the second time, and referred to the Committee on the State of the Territory.

A bill to be entitled, "An act to establish a ferry over the Santa Fe river."—Was read the second time and ordered to be engrossed for a third reading.

The House resolved itself into a Committee of the Whole, on a bill to be entitled, "An act for the taking of a census of Florida."—After some time spent in its consideration, the committee rose, and Mr. Hart Chairman therefrom, reported said bill to the House, with sundry amendments,—Which report was concurred in, and said bill ordered for a second reading to-morrow.

The House then adjourned until to-morrow at 11 o'clock.

TUESDAY, January 10th, 1838,

A quorum of the House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Breckinridge gave notice, that on some future day of the session, he will ask leave to introduce a bill to be entitled an act to amend the acts concerning evidence; a bill to be entitled an act to alter the times of holding several of the Superior Courts in East Florida; and a bill to be entitled an act to provide for the safe keeping of the Public Records of the County of Mosquito, and for other purposes.

Mr. Wyatt gave notice, that he will on some future day, ask leave to introduce a bill to be entitled an act to repeal the nineteenth section of an act incorporating the Florida Insurance Company at Tallahassee.

On motion of Mr. Drake, Mr. Douglas was added to the committee on Schools and Colleges.

Mr. Dozier offered the following Resolution, to wit:

Resolved, That the committee on Enrolled Bills be permitted to report at any time during the session of this House.

Which was read.

Mr. Brown offered the following Resolution, to wit:

Resolved, That the committee on the State of the Territory, be instructed to enquire into the expediency of asking Congress for an appropriation for the purpose of opening and putting in good repair the road over which the United States' mail is now carried from the Mineral Springs to Jacksonville.

Which was read.

A bill to be entitled an act for the appointment of weighers of cotton for the city of Tallahassee and town of St. Marks, in this Territory, was read the second time, and referred to the committee on Agriculture.

A Resolution offered on yesterday by Mr. Bell, was read the second time and adopted.

An Engrossed bill entitled an act to authorize James Pattison to build a bridge over the Oscilla river, was read the third time and passed: ordered that the title be as stated.

A bill entitled an act to dissolve the bonds of matrimony between James Trathen and Ann his wife, was postponed for a second reading until Tuesday next.

A bill entitled an act to divorce George Fleming and Mary M. Fleming was read the second time, and on motion of Mr. Hart, postponed till Tuesday next.

An engrossed bill entitled an act to establish a Ferry over the Santa Fe river, was read the third time and passed: ordered that the title be as stated.

A bill entitled an act for the taking a census of Florida, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

The House then adjourned until tomorrow at 11 o'clock.

TUESDAY, January 10th, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

On motion of Mr. Barnes from a bill entitled an act in addition to the several acts now in force in this Territory, in relation to Public Roads and Highway, was taken from the table and placed among the orders for to-day.

Mr. Blackburn, pursuant to notice heretofore given, asked and obtained leave to introduce a bill to be entitled an act to repeal certain Bank Charters.—Which was read and ordered for a second reading on Monday next.

On motion of Mr. Blount, a bill entitled an act to call a census, was taken from the table, and made the special order for Wednesday next.

Mr. East, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled an act to amend an act to regulate the foreclosure of Mortgages.—Which was twice read, (the rule being waived for that purpose) and referred to the Judiciary Committee.

Mr. Fitzpatrick, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled an act to incorporate the Tropical Plant Company,—which was twice read, (the rule being waived for that purpose) and referred to the Committee on Agriculture.

Mr. Shaw, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled an act concerning Juries in the Northern District of Florida.—Which was twice read, (the rule being waived) and referred to the Judiciary Committee.

Also a bill entitled an act further to amend an act to incorporate the Lafayette Salt Company of Key West, approved the 12th of November, 1829.—Which was twice read, (the rule being waived) and referred to the Judiciary Committee.

Mr. Dozier, pursuant to notice heretofore given, asked and obtained leave to introduce a bill entitled an act to authorize John Bellamy to render the Oscilla river navigable.—Which

was twice read, (the rule being waived) and referred to the committee on Internal improvements.

Mr. Wyatt presented the petition of Teletha Brooks, for a divorce.—Which was read and referred to a select committee.

Messrs. Wyatt, Gibson and Bannerman, were appointed on the committee.

Mr. Fitzpatrick presented a memorial from Henry Perrine, M. D., praying certain Legislative enactments.—Which was read, and referred to the committee on Agriculture.

Mr. Dozier, from the committee on enrolled bills, reported, as correctly enrolled, an act to establish a Ferry over the Santa Fe river; an act to authorize James T. Pattison to build a bridge over the Oscilla river; and

A preamble and Resolution concerning a Custom House at or near the mouth of Suwannee river.

Mr. Wyatt, from the Committee on the State of the Territory, to whom had been referred a bill entitled, "An act to organize the county of Calhoun, and for other purposes;"—reported said bill with amendments.—Which report was concurred in, said bill laid on the table, and 26 written copies ordered.

The House resolved itself into a Committee of the Whole, on a bill entitled, "An act to authorize limited partnerships."—After some time spent in its consideration, the committee rose, and Mr. Douglas, chairman therefrom, reported progress, and asked that the committee have leave to sit again;—Which report, on his motion, was concurred in.

Mr. President laid before the House a communication from the Governor, in the words following, to wit:

EXECUTIVE OFFICE,
Tallahassee, 19th Jan. 1838.

To the Legislative Council,

GENTLEMEN: I present you herewith, the returns required by law of the Central and Union Bank of Florida, the Bank of Jacksonville, and the Bank of Pensacola. No returns from the other Banks of the Territory have yet been received by the Executive.

R. K. CALL,
Gov. of Florida.

Which was read, and with the accompanying bank reports, referred to the Bank Committee.

Also the following:

EXECUTIVE OFFICE,
Tallahassee, Jan. 19th, 1838.

To the Legislative Council,
Gentlemen: I hereby nominate as Directors of the Union

Bank of Florida, for the present year, Henry Gee, of Gadsden, Hector H. Braden, Samuel Parkhill, and Robert Alston, of Leon, and Robert Gamble, of Jefferson Counties.

R. K. CALL,

Gov. of Florida.

When the House went into secret session, and consented to, and advised the nominations therein contained.—The door was then again opened.

A bill entitled, "An act in addition to the several acts now in force in this Territory, in relation to roads and highways,"—was amended in the House, in the 3d section by inserting after the words, "fifty cents," the words, "and the mileage allowed by law," and by adding at the end of said section these words— "The fine to be paid into the country Treasury."—And said bill was ordered to be engrossed for a third reading on Monday.

The House then adjourned until Monday 12 o'clock.

MONDAY, January 22d, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of last Friday's proceedings was read.

The President laid before the House the account for printing, of Messrs. Knowles and Hutchins, which was referred to the Committee on accounts.

Mr. Wyatt moved that the rule be waived, and that he be permitted now without previous notice, to introduce a bill entitled an act to provide for raising two mounted militia companies, for the protection of the frontier settlements in Florida and for other purposes.—Which motion prevailed, and said bill was twice read, the rule being waived, and referred to the Committee on the Militia.

Mr. Dozier gave notice, that he will, on some future day, ask leave to introduce a bill to amend an act entitled, An act regulating conveyances of real and personal property and the recording thereof.

On motion of Mr. Gantier, a bill entitled, An act to organize the county of Calhoun and for other purposes, was taken from the table and placed among the orders of the day.

Mr. Levy moved that the reports of the several banks of this Territory be printed.—Which motion prevailed.

Mr. Fitzpatrick, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, An act to incorporate the Florida Peninsula Rail Road and Steamboat Company.

Which was read, and ordered to be read a second time on to-morrow.

Mr. Levy gave notice, that he will, on some future day, ask leave to introduce a bill entitled, "An act concerning judicial proceeding."

Mr. Mills presented the petition of sundry citizens of Alachua county, in favor of M. Dean, which was read and referred to a select committee—Messrs. Mills, Fitzpatrick, and Levy, were appointed thereon.

Mr. Wyatt offered a resolution to enquire of the Governor the reason why the militia in this Territory have not been paid.

Which was read.

Mr. Gantier offered the following resolution:

WHEREAS, the trade between the town of Apalachicola and St. Joseph, and the commercial cities of the Union, has increased to an extent, calling for the notice and protection of the general Government, and whereas, all vessels bound to, and from these ports, as well as those employed in the coasting trade between New Orleans and St. Marks, are necessarily exposed to the dangerous navigation around Cape St. Bias; which is regarded by mariners, as the "Hatteras" of the Gulf; its shoals projecting from eight or ten miles to sea, and which in many instances has proved dangerous to human life, and destructive to property. And whereas a light house erected on the most eligible point on said cape, would be eminently useful to all vessels bound into Apalachicola and St. Joseph, or employed in the coasting trade.

Be it further resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress, be requested to urge upon that body, the necessity and utility of erecting on Cape St. Bias, a suitable light house; and that this resolution properly authenticated, be forthwith transmitted to the Delegate in Congress.

Which was read and ordered for a second reading to-morrow.

Mr. Bell offered the following resolution:

Be it resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby requested to use his best exertions, to have a mail rout established from Monicello, Jefferson county, passing through the northern settlement of Madison county, and directly through Hamilton county, to the Gadsden Spring, on Suwannee river.

Be it further resolved, That the President and Chief Clerk sign this resolution, and transmit the same forthwith, to the Honorable Charles Downing, our Delegate in Congress.

Which was read and ordered for a second reading to-morrow.

Mr. Blount, from the Committee on the Judiciary, to whom had been referred the following resolution, viz—

"Resolved, That the Committee on the Judiciary, be instructed to report into the expediency of changing the law, requiring the sales of the marshals in all the counties, twice on the same day." Reported further his opinion on that subject independent, and asked that the committee be discharged from its further consideration.—Which report was agreed to by the House.

Also, from the committee to whom was referred a bill to be entitled, "An act further to amend An act, to incorporate the Lafayette Salt Company of Key West, approved the 12th Nov. 1829," reported said bill without amendment.—Which report was concurred in.

Also, from the committee to whom was referred a bill entitled an act to amend an act to regulate the foreclosures of mortgages, reported said bill without amendment.—Which report was concurred in.

Also, from the same committee, to whom was referred a bill entitled an act to amend an act concerning Doxer, reported said bill, and asked to be discharged from its further consideration.—Which report was concurred in, and said bill ordered to be printed.

Also, from the same committee, to whom was referred a bill entitled an act to amend the several acts of濫用 County Courts, reported said bill, and asked to be discharged from its further consideration.—Which report was concurred in, and said bill ordered to be printed.

A resolution, heretofore offered by Mr. Danner, for the purpose of permitting the committee on enrolled bills, to report at any time during the session of the House, was read a second time and adopted.

A resolution, heretofore offered by Mr. Brown, instructing the committee on the state of the Territory, to enquire into the expediency of asking Congress for an appropriation to open and repair the road from the Mineral Springs to Jacksonville, was again read and adopted.

A bill entitled an act for the taking of a Census of Florida, was read a third time and passed. Ordered that the rule be as above stated.

On motion of Mr. Blount, a bill to legalize the suspension of specie payments by the banks in this Territory, and to fix the time for the resumption of specie payments by said banks, was indefinitely postponed.

A bill to be entitled an act to repeal certain bank charters, was read a second time, and referred to the committee on the Judiciary.

A bill to be entitled an act to authorize limited partnerships, was on motion of Mr. Blount postponed till to-morrow.

An engrossed bill entitled an act in addition to the several acts now in force in this Territory, in relation to Roads and Highways, was read a third time and passed. Ordered that the title be as above stated.

A bill entitled an act to prevent any foreign banking or other corporations or companies from exercising corporate privileges in this Territory, was read a second time and referred to the committee on Banks.

The House went into committee of the whole, on a bill entitled an act to organize the county of Calhoun, and for other purposes; after some time spent therein, the committee rose, and Mr. Wyatt, chairman therefrom, reported said bill to the House amended.—Which report was concurred in, and said bill was read the second time and ordered to be engrossed for a third reading to-morrow.

The House then adjourned till to-morrow morning 11 o'clock.

TUESDAY, January 23d, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Blount stated to the House, that circumstances compelled the Chief Clerk to tender his resignation; whereupon he moved that he be permitted to tender it to the House verbally.

Which he did.

On motion of the same gentleman, his resignation was accepted.

On motion of Mr. Drake, the House proceeded to an election to supply the place of Mr. Lancaster, when J. S. Robinson was duly chosen.

On motion of Mr. Long, a bill entitled an act to provide for a more general system of Internal Improvement in Florida, was ordered to be printed.

Mr. Mills gave notice, that he will, on some future day, ask leave to introduce a bill entitled an act to incorporate the Alachua Land Company.

Mr. Douglas gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled an act further to

amend the charter of the Southern Life Insurance and Trust Company.

Mr. Gibson gave notice, that he will, on some future day, ask leave to introduce a bill to incorporate the Florida Railroad and Canal Company.

Mr. Douglas, pursuant to previous notice, asked and obtained leave to introduce a bill entitled an act to change the time of holding the County Courts of St. John's County, and for other purposes.—Which was read, and ordered for a second reading on to-morrow.

Mr. Gautier, pursuant to previous notice, asked and obtained leave, to introduce a bill entitled an act amendatory to the several acts incorporating the city of St. Joseph.—Which was read, and ordered for a second reading on to-morrow.

On motion of Mr. Hannerman, Mr. Fitzpatrick was added to the committee on Agriculture.

Mr. Brockenbrough, pursuant to previous notice, asked and obtained leave to introduce a bill entitled an act providing for the safe keeping of the Records of the county of Mosquito, and for other purposes.—Which was twice read, (the rule being waived) and referred to the Judiciary Committee.

On motion of Mr. Hart, Mr. Mills was added to the committee on Schools and Colleges.

Mr. Long presented the petition of sundry citizens of Jackson county, praying to be added to the county of Franklin.—Which was read.

Mr. Long presented the petition of Jacob Robinson and others, praying that a branch of the Union Bank be established in Marianna, or that the 32d section of the act incorporating the Union Bank be revived.—Which was read, and referred to the Committee on Banks.

Mr. Fitzpatrick introduced the following Resolution, viz:—Resolved, unanimously, That this Legislative Council regret the circumstances which have caused the resignation of their chief clerk, Jos. B. Lancaster, Esq., and that the thanks of this House is briefly tendered to him for the able and efficient manner in which he has performed the duty of that office.—Which was twice read, the rule being waived, and adopted.

Mr. Dozier offered a certain preamble and resolution concerning the recent Indian depredations, requesting the President of the United States, to instruct the Secretary of War, to furnish troops for the protection of the frontier of Jefferson county.—Which was read.

Mr. Long, from the Committee on Internal Improvement, to whom was referred a bill entitled, An act to authorize John Bel-

laby to render the Ossella river navigable, reported said bill without amendment.—Which report was concurred in, and said bill ordered to be engrossed for a third reading on to-morrow.

Mr. Dozier, from the Committee on Enrolled Bills, reported a bill for the taking of a census of Florida, as correctly enrolled; which was signed by the President and Chief Clerk.

Mr. Blount, from the Judiciary Committee, to whom was referred a bill entitled, An act to amend an act entitled, An act to incorporate the city of Apalachicola, reported said bill as amended.—Which report was concurred in, and said bill again read and placed among the orders for to-morrow.

Mr. Wyatt, from the Select Committee, to whom was referred the petition of Teletha Brooks, reported a bill to be entitled, An act for the relief of Teletha Brooks.—Which was read and ordered for a second reading on to-morrow.

A bill entitled, An act to divorce George Fleming and Mary Fleming, was read a second time, whereupon the question arose, "shall this bill be engrossed?" the ayes and nays were called for on this question by Messrs. Blount, and Hart, and were, Yeas,—Messrs. Bannerman, Bell, Blount, Brockenbrough, Brown, Douglas, Dozier, Drake, Hart, Higginbotham, Levy, Mills, and Wyatt,—13. Nays,—Mr. President, Messrs. Blackburn, Fitzpatrick, Gautier, Gibson, Kenan, Livingston, Long, Shaw and Vaughan,—11. So said bill was ordered to be engrossed for a third reading on to-morrow.

A bill entitled, An act to dissolve the bands of matrimony between James Trahan and Ann his wife, was read a second time, the question then arose, "shall this bill be engrossed for a third reading," the Ayes and Nays were called for on this question by Messrs. Dozier and Levy, and were, Ayes,—Messrs. Bell, Blount, Brockenbrough, Brown, Douglas, Dozier, Drake, Hart, Higginbotham, Long, Mills and Wyatt,—12. Nays,—Mr. President, Messrs. Bannerman, Blackburn, Fitzpatrick, Gautier, Gibson, Kenan, Livingston, Long, Shaw and Vaughan, 11. So said bill was ordered to be engrossed for a third reading on to-morrow.

A bill entitled, An act to incorporate the Florida Peninsula Rail Road and Steamboat Company.—Which was read a second time, referred to the Committee on Internal Improvements, and 30 copies ordered to be printed.

A resolution heretofore offered by Mr. Wyatt, to inquire of the Governor the reason why the militia in this Territory have not been paid, was again read and adopted.

The Governor transmitted to the House, by his private Secretary, Mr. Copeland, the following message:

EXECUTIVE OFFICE, TALLAHASSEE, }
January 22d, 1838. }

To the Legislative Council:

Gov'r. Sir.—It is known to you that the frontier settlements of East and Middle Florida, and very nearly two counties of West Florida, have been desolated by the ravages of the Seminoles and fugitive Creek Indians. That the inhabitants have generally been driven from their homes with the entire loss of their means of subsistence, and that they have been sustained alone in their present destitute situation by the bounty of the Government. The Resolution of Congress, by which this relief was provided, vests in the President of the United States a discretionary power to discontinue the supply whenever he may deem it expedient. The regulations of the War Department based on the Resolution of Congress, provided for the issue of supplies to the suffering inhabitants for one month only after the close of the war. On the 29th of April last, confiding in the report that the enemy was subdued, and being informed that the supplies authorized by Congress, would be suspended after the time specified in the regulations of the Government, I addressed the Secretary of War on the subject, and urged with energy and warmth, the necessity of extending the relief, until those for whose benefit it was intended, should have been able, by the return of peace, to cultivate their fields, and produce another crop for the subsistence of their families. This, I informed the Secretary of War, could not be done until the present year. My solicitation procured an extension of the time until the 1st day of October, when a suspension of the supplies was peremptorily ordered to take effect at all the military posts. Foreseeing the extreme distress and suffering the execution of this order would occasion, on the 23d of August I again addressed the Secretary of War on the subject, and employed every argument and persuasion, which this interesting subject could present, to avert the anticipated evil. This produced a partial result. The rigor of the order was ameliorated, and supplies were ordered to be issued to certain portions of the sufferers in East Florida, who were considered most destitute.

Not having received an answer to my letter, and learning the distress of the people of Washington and Walton Counties, produced by the operation of the orders suspending the issue of supplies after the 1st of October; on the 14th of that month, I again addressed the Secretary of War on the subject, and informed him that I had on my own responsibility, ordered the Quarter-master to furnish supplies to relieve the sufferings of

the inhabitants thus left destitute of the means of support. I had the satisfaction of receiving an answer, under the date of the 31st of October, informing me that the measure I adopted, had been approved by the Department. Subsequent to that time, an agent of the Government visited that part of the country, and after an examination into the situation of the people, he was so well convinced of their distressed condition, and so well satisfied that they were worthy objects of the bounty of the Government, that he refused to make any alteration in the system, and the supplies have been continued until the present time. I have now received a communication from the Secretary of War, dated the 10th instant, by which I am informed that subsistence will not be furnished to the Inhabitants of Washington and Walton Counties, beyond the 15th of next month. I have every reason to believe that similar instructions have been given to General Jesup, in regard to the suffering inhabitants of the frontier of Middle and East Florida; and that after the time above specified, that entire class of our population, including many helpless widows and orphans, whose husbands and fathers have fallen in the struggle with the savages, will be left destitute of the means of subsistence. Located, as they are, in those portions of the country, where the resources have been exhausted by the events of the war, unless the hand of relief is extended by some power, either that of the General or Territorial Government, extreme want and suffering must be the inevitable result. And those whom the fierce assaults of the enemy by day, and his prowling ravages by night, could not drive from their duty and their homes, must fly before the imperative necessities of want and famine, and leave their country to be occupied by the savages. When these hardy defenders of the frontier shall have given way, the enemy will advance. A new line of defence will be established far within the present limits, and new scenes of rapine and murder will be exhibited, where yet the alarm of war has not been heard. It is for you, Gentlemen, to avert the impending evil. My correspondence with the Secretary of War, a copy of which is herewith enclosed, will show you that the Executive has exhausted the last argument of reason, and presented the last appeal of feeling, in behalf of the sufferers. To continue his correspondence on the subject, would be but an idle consumption of time, without the hope of producing the least beneficial result. I therefore, recommend to you, Gentlemen, with one united voice and action, to present a memorial to Congress and the President of the United States, praying that the generous bounty of the Government may be extended to the suffering

inhabitants of Florida who have been driven from their homes, and who have so long and so patiently endured all the calamities of war; that they may be supplied with provisions at the expense of the government, until they shall have been able to cultivate their lands and matured a crop for the support of their families. I have every confidence in the justice, humanity, and liberality, of the Government; but in a case of such deep interest, and one involving such important consequences, I am not willing entirely to leave the fate of the sufferers to depend on its charity. I therefore, propose to you, Gentlemen, as an additional security for their relief, the passage of a law, authorizing the negotiation of a loan, from the banks of the Territory, of such a sum, not exceeding one hundred thousand dollars, as may be deemed necessary for the purchase of supplies for such persons as the Legislative Council may designate, in the event of a failure on the part of Congress to grant the necessary relief.

The people of Washington and Walton Counties, have peculiar claims on the Government. It will be remembered that they were living in peace, at a point too remote to fear an attack from invasion, by either the Creeks or the Seminoles. The troops of the Government have driven the Creeks out of Alabama into the bosom of our sparsely populated Territory, where they have permitted them to remain almost without an effort for their expulsion; and the militia ordered out by me for that purpose have not yet been paid—thereby accumulating the amount of their sufferings.

Let us, however, not depend alone on the Government, but do all we can with the limited means we possess for their relief.

My correspondence with the Secretary of War, will also show how earnest, and repeated, have been my applications, for the payment of the militia and volunteers of Middle and West Florida, and the success with which those applications have been attended. I first addressed Gen. Jesup on this subject, on the 9th of February last. My correspondence was continued with him until the 29th of May; when I addressed the Paymaster General. On the 5th of September, I wrote to the Secretary of War, and with him I have corresponded until the present time. You will perceive from his letter, of the 30th ultimo, that a grave question has been presented in regard to the payment of the troops ordered into service by me; and he proposes to call on General Jesup for an explanation of the necessity, and manner, in which it was done. After replying to this objection, I felt it my duty to address the President of the United States on the subject: a copy of my letter to him

is also herewith enclosed. I have no doubt but that letter will receive prompt and immediate attention. But as the subject is one of great interest to the people of the Territory, I would suggest the propriety of your returning a memorial to Congress, and to the President of the United States, asking for the immediate payment of the troops in question. The delay in receiving the compensation to which they are entitled, has produced a want of confidence in the Government, and the trust with the service, which is calculated to produce still a injurious effect to the whole country. And on a recent occasion, when a party of Indians attacked the settlements within 30 miles of this place, and it became necessary to call up an additional force for the defense of the frontier, the troops called on refused to enter the service, until they were guaranteed, by a pledge of the patriotic citizens of the country. Under that pledge, troops are now organizing, and it is hoped in a few days, they will be ready for the field. At present, I entertain no doubt of the liberal disposition of the General Government towards the Territory, and am well assured that the necessary appropriation will be made by Congress for the payment of these, and all other troops, which may hereafter be called into the service; in order to restore that confidence, which is so essential to our safety at the present moment; and to remove all apprehensions, I would suggest to the Legislative Council the propriety of providing for the payment of all militia and volunteers called into service, should the General Government neglect or refuse to pay them the usual compensation for military services.

The war with the Seminoles has not yet terminated; and they may continue for another year to evade the pursuit of the army. The fugitive Creeks are yet unsubdued. There are more than two hundred of them left in West Florida, dispersed in small bands through a country more than one hundred miles in extent. Past experience has shown, that the safety of the frontier depends more on the vigilance of our citizens, and the efficiency of our own militia, than on the protection of the army in the field; and yet, Gentlemen, I regret to inform you, that, with a few honorable exceptions, there has generally been a delay in raising troops for this service, calculated to destroy the hopes and confidence of those who are exposed on the frontier, and to encourage the audacity of the enemy. This, dehly, Gentlemen, you must all have observed. You must have witnessed repeatedly, how long it has generally been from the time an order has been issued by the Executive to raise troops, even in cases of the greatest and most pressing emergency, before they

are assembled and ready for service. It is my duty to bring this subject before you; and it is the duty of the Legislature, and indeed, of every good citizen, to unite with heart and hand for the correction of this evil. The cause, Gentlemen, is too apparent. Your laws are deficient; they do not impose the necessary penalties for neglect; and do not ensure their execution. I am aware, that the long and distressing struggle on our border, the sufferings of the inhabitants, and the constant demand for troops for this service, has been calculated to depress the ardor and enthusiasm of the people; but so long as the defenseless women and children of the frontier are dependent on us for protection, we owe it to them, to ourselves, to God and our country, to endure all, to hazard all, for their protection. Whatever laws you may please to enact on this subject, Gentlemen, you will find me ever ready to execute with promptness and decision.

For more than two years we have been engaged in war, and our frontier presents one continual scene of desolation and distress. Those who escaped from their burning dwellings have not abandoned their country, but stand firm on the verge of the desert, presenting a formidable barrier to the further encroachments of the enemy. Such defenders deserve our sympathy for their heroic deeds, and our gratitude for their services. Let us rally in their defense, and save them from the further assault of the savages. It is in your power, Gentlemen, to accomplish much for their protection. A military system requires an entire reorganization. I shall be happy to aid you in your deliberations on this subject; and, if required, I will with great pleasure, propose a bill for the purpose.

R. K. CALLS Gov. of Florida.

Which was read, and 500 copies of the same and accompanying documents, ordered to be printed.

Mr. Wyatt moved to reconsider the vote taken on a resolution, followed to day by long and adequate, because the inquiries thereto contained had been explained by a message from the Executive to the Governor. The motion prevailed, and said resolution was withdrawn by him.

A preamble and resolution heretofore offered by Mr. Gantier was withdrawn and adopted.

A resolution heretofore offered by Mr. Bell, was again read and adopted.

A bill entitled, An act further to amend an act, to incorporate the Lafayette Salt Company of Key West, approved the 12th November, 1829.—Was read a third time and passed,—ordered that the title be as above stated.

A bill entitled, An act to amend an act to regulate the foreclosure of mortgages, was laid on the table, and 26 written copies ordered.

The House went into a Committee of the Whole on a bill entitled, **An act to authorize limited partnerships,** Mr. Douglas in the chair, after some time spent in the consideration, of said bill, the committee rose, and Mr. Douglas, Chairman therefrom, reported progress, and asked leave to sit again, which was concurred in.

A bill entitled, An act to organize the county of Calhoun, and for other purposes. —Was read a third time and passed, — ordered that the title be as above stated.

The House then adjourned until to-morrow 11 o'clock.

WEDNESDAY, January 24th, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Blount gave notice, that he will, on some future day, ask leave to introduce the following, viz:

A bill entitled, An act to incorporate the Protestant Episcopal Church, in the diocese of Florida.

A bill to be entitled, An act supplemental to the several acts incorporating the Bank of Pensacola.

A bill to be entitled, An act amendatory of the several acts concerning executors, administrators and guardians.

A bill to be entitled, An act to alter and amend the acts incorporating the City of Pensacola.

And a bill to be entitled, An act to incorporate the Pensacola City Company, and for other purposes.

Mr. Mills, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, **An act to incorporate the Alachua Land Company.** —Which was read and ordered for a second reading on to-morrow.

Mr. Hart moved that a bill entitled, **An act to incorporate the Bank of Jacksonville,** approved February the 14th, 1835, be taken from the table and placed among the orders of the day for to-day. —Which motion prevailed.

On motion of Mr. Long, a bill entitled, **An act to amend the several acts regulating county courts in this Territory.**

A bill entitled, An act to amend an act concerning dower.

And a bill entitled, An act to amend an act, to regulate the foreclosure of mortgages. —Were, severally, taken from the table and placed among the orders of the day for to-day.

Mr. Gautier offered the following resolution, to wit:

Resolved, that our Delegate in Congress, be requested to urge the re-appropriation of five thousand dollars for the compilation and publication of the laws of Florida.

Also the following, viz:

Resolved, That it is inexpedient for this Legislative Council to entertain applications for divorces.

Resolved, secondly, That this House will not take action upon the subject of divorces. Which were read.

Mr. Dozier, from the Committee on Enrolled Bills, reported, as correctly enrolled, the following bills:

An act to organize the county of Calhoun, and for other purposes.

An act in addition to the several acts now in force in this Territory in relation to Roads and Highways.

And, **an act further to amend an act to incorporate the Lafayette Salt Company of Key West,** approved the 12th November, 1829,

Which were severally signed by the president and chief clerk.

Mr. Wyatt, from the committee on the state of the Territory, to whom was referred the petition of R. J. Hackley and others, asking that J. J. Clark be permitted to peddle through this Territory, reported that it is inexpedient to grant their petition, and asked that the committee be discharged from its further consideration. Which was agreed to by the House.

Also from the same committee, to whom was referred a bill entitled **an act to establish the County Site of Hamilton County,** and to repeal an act entitled **an act to make permanent the County Site of Hamilton County,** passed the 15th January, 1836, reported said bill without amendment. Which report was agreed to, and said bill ordered to be engrossed for a third reading on to-morrow.

Also from the same committee, to whom was referred a bill entitled **an act to regulate the license on retailers of spirituous liquors,** reported said bill to the House, and asked to be discharged from its further consideration. Which report was agreed to.

The House went into Committee of the whole on a bill entitled **an act to call a Convention, &c.**; after some time spent in consideration of said bill the committee rose, and Mr. Fitzpatrick, chairman therefrom, reported progress, and asked leave to sit again. Which report was agreed to.

On motion of Mr. Douglas, the rule was waived, and he was permitted to introduce, according to previous notice, a bill entitled **an act further to amend the charter of the Southern Life**

Insurance and Trust company. Which was read, and ordered for a second reading on to-morrow.

The House then adjourned till to-morrow at 12 o'clock.

THURSDAY, January 25th, 1838.

The House met pursuant to adjournment, and the Journal of yesterday's proceeding was read.

On motion of Mr. Blackburn, a bill entitled an act to regulate license on retailers of spirituous liquors, was taken from the table and placed among the orders of the day.

Mr. Levy gave notice, that he will, on some future day, ask leave to introduce a bill entitled an act concerning Banks.

Mr. Long gave notice, that he will, on some future day, ask leave to introduce a bill entitled an act to amend an act in relation to Rents.

Also, a bill to be entitled an act to establish such of the books and papers of the St. Andrews and Chipola Canal & Rail-road Company as have been lost by fire.

Mr. Johnson presented the petition of Edward Pace of Gadsden County, praying that certain moneys be refunded him.

Also, the petition of R. C. Lester, of same county. Which were read, and referred to the committee on Claims.

Mr. Dozier presented the petition of William Blackburn, praying that he be permitted to rent certain School Lands. Which was read, and referred to a select committee.

Messrs. Dozier, Mills, and Brown were appointed thereon.

Mr. Kean offered the following Resolution, viz:

Resolved, That the Committee on the Judiciary be instructed to enquire whether any alteration should be made in the Attachment Laws now in force in this Territory, and report accordingly. Which was read.

Mr. Gautier offered the following Resolution:

Resolved by the Governor and Legislative Council of Florida, That the Hon. Chas. Downing be requested to introduce a resolution in Congress to extend the franking privilege to the Governor and Secretary of Florida. Which was read.

Mr. Dozier, from the Committee on Enrolled Bills, reported the Preamble and Resolution for the purpose of erecting a suitable Light House on Cape St. Blas, as correctly enrolled.

Mr. Kean, from the committee on the Militia, to whom was referred a bill entitled an act to provide for raising two companies of mounted Militia, for the protection of Middle

and West Florida, reported said bill amended. Which report was concurred in. Said bill laid on the table and written copies ordered.

Mr. Housman, from the Committee on Agriculture, to whom was referred a bill entitled an act to incorporate the Tropico Plaza Company of Florida, reported said bill with amendments, which report was concurred in, and laid on the table and written copies ordered.

Also, from the Committee on Finance, a bill entitled a bill entitled an act to establish a County of Monroe, and a town for the seat of Government of Monroe County, in the Territory, reported said bill, & referred back, when it was laid on the table.

The House went into Committee of the whole on a bill entitled an act to establish a Committee, &c, after some time spent in its consideration the committee rose, and Mr. H. H. chairman thereon, reported progress, and asked leave to sit again. Which they were granted to.

A bill entitled an act making the time of holding the County Courts of St. Johns County, and for other purposes, was read a second time, and referred to the Judiciary Committee.

A bill entitled an act supplementary to the several acts incorporating the city of St. Joseph, was read a second and third time, the rule being waived, and passed, ordered that the title be as above.

A resolution, heretofore offered by Mr. Dozier, respecting the protection of the frontier of Jefferson County, was taken from the orders of the day, and referred to a select committee.

Messrs. Dozier, Gautier, and Blackburn, were appointed thereon.

A bill entitled an act to authorize John Bellamy to render the Okaloosa river navigable, was taken from the orders of the day, read, and laid on the table.

The House went into Committee of the whole, on a bill entitled an act to establish an act entitled an act to incorporate the city of Apalachicola; after some time spent in its consideration the committee rose, and Mr. Mills, chairman therefrom, reported progress, and asked leave to sit again.

The House then adjourned till to-morrow morning 11 o'clock.

FRIDAY, January 26th, 1838.

The House met pursuant to adjournment, and the proceedings of yesterday were read.

On motion of Mr. Dozier, a bill entitled an act to authorize John Beekman to render the Ocilla river navigable, was taken from the table and placed among the orders of the day.

Mr. Hart, pursuant to previous notice, asked and obtained leave, to introduce a bill entitled an act to establish and regulate pilots and pilotage in St. Johns bar, in the Territory of Florida, which was read, and ordered for a second reading on Monday next.

Mr. Gautier gave notice, that he will, on some future day, ask leave to introduce a bill entitled an act to give additional jurisdiction to the county court of Franklin county.

Mr. Blackburn, pursuant to previous notice, asked and obtained leave, to introduce a bill entitled an act to suppress the issuing or circulating of change bills, or any bank notes under the denomination of five dollars, and for other purposes; which was twice read, (the rule being waived,) and referred to the committee on finance.

Mr. Gibson, pursuant to previous notice, asked and obtained leave to introduce a bill entitled an act to incorporate the Florida Rail Road and Canal Company; which was twice read, the rule being waived, and referred to the committee on Internal Improvement.

Mr. Long, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, An act to authorize the St. Andrews and Chipola Canal and Rail Road Company, to establish the records of said company, and such other papers as the company may have lost by fire.—Which was twice read, the rule being waived, and referred to the Committee on the State of the Territory.

Mr. Blount, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, An act to incorporate the Protestant Episcopal Church, in the diocese of Florida.—Which was twice read, the rule being waived, and referred to the Committee on the State of the Territory.

Mr. Blount gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled, An act in relation to the Union Rail Road Company, in the Territory of Florida.

Mr. Bell offered the following resolution:

Be it resolved by the Governor and Legislative Council of the Territory of Florida, That the Committee on the Judiciary be instructed to report to this House, whether or not there is any law of this Territory now in existence; authorizing the county courts to levy a tax for the erection of public buildings, such as Court Houses and Jails, and prescribing the mode of letting out contracts for said buildings.

Be it further resolved, That should the committee, on examination find, that there is no such law in existence, they are hereby instructed to report a bill to that effect.

Which was twice read, the rule being waived, and adopted.

Mr. Dozier, from the Committee on Enrolled Bills, reported an act, amendatory to the several acts, incorporating the City of St. Joseph, as correctly enrolled.

Mr. Dozier from the Select Committee to whom had been referred the preamble and resolution concerning the protection of the frontier of Jefferson county, reported said preamble and resolution as amended.—Which report was concurred in, and said preamble and resolution adopted.

A bill entitled, An act for the relief of Telitha Brooks, was taken from the table, and, on motion of Mr. Wyatt, placed among the orders for Tuesday next.

The House went into a Committee of the Whole on a bill entitled, An act regulating county courts in this Territory, after some time spent in its consideration, the committee rose, and Mr. Brockenbrough chairman therefrom, reported progress, and asked leave to sit again.—Which report was concurred in.

The House went into Committee of the Whole on a bill entitled, An act to amend an act concerning dower, after some time spent in its consideration, the committee rose, and Mr. Levy chairman therefrom, reported said bill to the House, and asked to be discharged from its further consideration.—Which report was concurred in, and said bill referred to a Select Committee. Messrs. Long, Brockenbrough and Gautier were appointed thereon.

A bill entitled an act to amend an act to regulate foreclosure of mortgages, was read a third time, and put upon its passage. Upon which question the yeas and nays were called for by Messrs. Fitzpatrick and Levy, and were Yeas, Mr. President, Messrs. Bannerman, Bell, Blackburn, Blount, Brockenbrough, Douglas, Dozier, Drake, Gautier, Gibson, Hart, Higginbotham, Johnston, Kean, Levy, Long, Shaw, Vaughan, Wyatt—20.

Nays, Brown, Fitzpatrick, Livingston, Mills—4.

So said bill passed; Ordered that the title be as above.

A bill entitled, An act to incorporate the Alachua Land Company, was read a second time and referred to the Judiciary Committee.

A bill entitled an act to establish the County site of Hamilton County and to repeal an act to make permanent the County site of Hamilton County, was read a third time, and passed.—Ordered that the title be as above stat'd.

A bill entitled an act further to amend the charter of the

Southern Life Insurance and Trust Company, was read a second time, and referred to the committee on Banks; and written copies ordered.

An engrossed bill entitled an act to divorce George Fleming and Mary Ma Fleming, was taken from the orders of the day, and read a third time. Whereupon Messrs. Gautier and Dozier called for the yeas and nays on its final passage.

And were **Yea**s, Messrs. Bonnerman, Bell, Blount, Breey-
enbrough, Brown, Croskey, Douglas, Dozier, Drake, Hart,
Higginbotham, Levy, Mills, and Wyatt—14.

Nays—Mr. President, Messrs. Blackburn, Fitzpatrick, Gau-
tier, Gibson, Johnston, Kenan, Livingston, Long, Shaw, and
Vaughan—11.

So said bill passed: Ordered that the title be as above.

An engrossed bill, entitled an act to dissolve the bonds of matrimony between James Trotter and Annetta, wife, was read a third time, and put upon its passage. Upon which question the yeas and nays were called for by Messrs. Gautier and Long, and were: **Yea**s, Messrs. Bell, Blount, Brown, Breey-
enbrough, Croskey, Douglas, Dozier, Hart, Higginbotham, Levy,
Mills, and Wyatt—13. **Nays**: Mr. President, Messrs. Bonner-
man, Blackburn, Fitzpatrick, Gauier, Gibson, Johnston,
Kenan, Livingston, Long, Shaw, and Vaughan—12. So said
bill passed: Ordered that the title be as above.

The House went into a committee of the whole on the bill entitled an act to authorize limited partnerships; after some time spent in its consideration, the committee rose; and Mr. Douglas, chairman therefrom, reported said bill amended. Which report was concurred in.

A bill entitled an act to amend an act entitled an act to incorporate the Bank of Jacksonville, approved February 14th, 1835, was read the third time and passed: Ordered that the title be above.

A bill entitled an act to regulate license on retailers of spirituous liquors, was laid on the table, and written copies ordered.

A Resolution, before offered by Mr. Kenan, concerning the Attachment Laws, was again read and adopted.

A Resolution, heretofore offered by Mr. Gautier, concerning the granting of franking privilege to the Governor and Secretary of this Territory, was again read and adopted.

The House went into committee of the whole on a bill entitled an act to call a convention, etc., after some time spent in its consideration, the committee rose; and Mr. Hart, chairman therefrom, reported progress and asked leave to sit again. Which report was concurred in.

His Excellency, the Governor, transmitted to the House the following Message:

EXECUTIVE OFFICE, TALLAHASSEE, }
26th January, 1838. }

To the Legislative Council:

GENTLEMEN.—I have approved and deposited in the office of the Secretary of the Territory, the following acts and resolutions:

"An act to establish a Ferry over the Santa Fe river."

"An act further to amend an act to incorporate the Lafay-
ette Salt Company of Key West, approved the 12th Nov. 1830."

"An act in addition to the several acts now in force in this
Territory in relation to roads and Highways."

"An act to create the county of Calhoun, and for other
purposes."

"An act for the taking of a Census of Florida."

"An act to fix the county site of Madison county."

"A resolution requesting the Delegate in Congress to endeavor to procure an appropriation of thirty thousand dollars, for the purpose of removing the obstructions to the navigation of the Suwannee and Santa Fe rivers."

"A resolution requesting the Delegate in Congress, to endeavor to procure the establishment of a Light House on Cape St. Blas."

"An act to authorize James T. P. Garrison, to build a bridge
over the Ossela river."

R. K. CALDR.

Gov. of Florida.

Also the following, viz:

EXECUTIVE OFFICE,

TALLAHASSEE, 26th January, 1838.

To the Legislative Council:

GENTLEMEN.—I have nominated William Teller, J. M. Wilder, and Joseph Bryant of Madison County, Justices of the Peace for said County.

R. K. CALDR.

Governor of Florida.

When the House went into secret session, and consented to and adopted the nominations therein contained: the door was then again opened.

The House then adjourned till Monday 11 o'clock.

MONDAY, January 29th, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of last Friday's proceedings was read.

Mr. Shaw gave notice that he will on some future day, ask leave to introduce a bill to extend the jurisdiction of the Superior Court of the County of Monroe to the County of Dade.

Mr. Higginbotham gave notice that he will on some future day, ask leave to introduce a bill, entitled *An act to incorporate the St. Mary's Rail Road Company.*

Mr. Gautier gave notice that he will on some future day, ask leave to introduce a bill, entitled *An act concerning corporations.*

Mr. Hart, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, *An act to revive and continue in force an act establishing a ferry over St. John's river at Jacksonville.*

Mr. Blount, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, *An act supplemental to the act incorporating the Union Rail Road Company*, which was twice read, (the rule being waived) and referred to the Committee on Internal Improvements.

Mr. Gautier presented the petition of Joseph Delafield, agent of the Apalachicola Land Company, praying that certain monies be refunded to said company—Which was read and referred to the committee on Finance.

Mr. Douglas offered a resolution to instruct the Finance Committee to report the probable expense of a State Government for this Territory, for the first three years, and also the amount of taxes for the same period—Which was read.

Mr. Gautier offered a resolution to approve of the conduct of the Governor during the present war, and express the confidence of this House in his integrity, skill and patriotism.

Which was read.

Mr. Douglas offered a resolution requesting our Delegate in Congress to ask of Congress an appropriation of five thousand dollars for the purchasing of a Library for the use of the Governor and Legislative Council of this Territory, and the Court of Appeals.

Mr. Dozier from the Committee on Enrolled Bills, reported the following bills as correctly enrolled, viz:—

"An act to dissolve the bands of matrimony between Judges Trathen and Ann his wife."

"An act to amend the *An act to regulate the foreclosure of Mortgages.*"

"An act to establish the County Site of Hamilton County, passed the 15th January, 1836.

"An Act to amend an act entitled an act to incorporate the Bank of Jacksonville, approved February 14th, 1835."

"A resolution to extend the Franking privilege to the Governor and Secretary of the Territory of Florida."

"A Resolution concerning the establishment of a Mail Route from Monticello, Jefferson County, to the Gadsden Spring on Suwanee river."

And the "Preamble and Resolution calling on the President for troops to protect the frontier of Middle Florida."

Mr. Blount, from the committee on the Judiciary, to whom was referred a bill entitled an act providing for the safe keeping of the Records of the county of Mosquito, and for other purposes, reported said bill to the House without amendment. Which report was concurred in.

Also, from the same committee, to whom was referred a bill entitled an act to incorporate the city of Key West, reported said bill amended.—Which report was agreed to; and said bill ordered to be printed.

Also, from the same committee, to whom was referred a bill entitled an act to amend an act, approved on the 14th day of February, 1835, entitled an act to prevent any person in this Territory from carrying arms secretly, reported that further legislation on that subject was inexpedient.—Which report was laid on the table.

Also from the same committee, to whom was referred the petition of F. B. Whiting, Intendant of St. Marks, and sundry other citizens of said town, with regard to public wharves in said town, reported the same to the House unfavorable, and asked to be discharged from its further consideration.—Which report was agreed to.

Also, from the same Committee, to whom was referred a bill entitled an act to change the times of holding the County Courts of St. Johns County and for other purposes, reported the same without amendment.—Which report was agreed to; and said bill was placed among the orders of the day.

Also, from the same committee, to whom was referred a bill entitled an act giving a lien to Mechanics and Master Builders, and to repeal certain other acts relating to the same subject, reported further legislation on that subject to be inexpedient.—Which report was not agreed to; and said bill was placed among the orders of Wednesday next, and ordered to be printed.

Mr. Long, from the committee on Internal Improvement, to whom was referred a bill to be entitled an act to provide for a general system of Internal Improvement in Florida, reported said bill amended.—Which report was agreed to.

Mr. Wynn, from the Committee on the State of the Territory, reported a bill entitled an act providing for the sale of ver-

tain Quarter Section of land by Congress to the Territory of Florida, for the erection of public buildings in the city of Tallahassee—which was laid on the table and ordered to be printed.

Mr. Drake from the committee on schools and colleges to whom was referred the petition of J. A. L. Norman, reported a bill to be entitled An Act to incorporate the Dade Institute of Florida.

Also a bill to be entitled "An Act to carry into effect a general system of education in the Territory of Florida, by the educating of school masters."

Also a preamble and resolutions, praying the United States to make a grant of land to aid in carrying into effect the provisions of the two bills herewith reported.

The Committee, in consideration of the importance of this subject and the high character of the memorialist, recommended that the aforementioned documents be laid on the table and printed.—Which report was concurred in.

Also from the same committee to whom was referred the petition of J. McCants and others, trustees of the Jefferson Academy, and a bill entitled An act to authorise the trustees of Jefferson Academy to rent the School Lands within the County of Jefferson, and for other purposes; reported unfavorable to the petition and that it is inexpedient to pass said bill; which report was laid on the table.

Also from the same committee, to whom was referred a bill entitled, An act to charter and incorporate the trustees of the St. Andrews College in West Florida, reported said bill amended.—Which report was concurred in, and said bill laid on the table.

Also from the same committee, to whom was referred a preamble and resolution concerning the sixteenth sections, was reported amended, which report was concurred in.

Also, from the same committee to whom was referred a bill entitled, An act to create a fund for the education of poor children in the county of Monroe, reported said bill, inexpedient.

Which report was laid on the table and written copies of said bill ordered.

The House went into committee of the whole on a bill entitled An act to amend an act entitled an act to incorporate the city of Apalachicola—after some time spent in its consideration the committee rose, and Mr. Long chairman therefrom, reported said bill amended—Which report was concurred in.

His Excellency, the Governor, transmitted to the House by his private Secretary, Mr. Copeland, the following message—

House met on the 21st January, 1838,

To the Legislative Committee:

RECEIVED.—I hereby enclose an Act of the Legislature of the State of Florida, as a joint resolution of the House and Senate.

R. L. CALK,

Gov. of Florida.

Which was read, and then adjourned, the report of said committee to and referred.

An act so called entitled An act to authorise John Peppin to render the ~~the~~ ^{the} services of his ~~and~~ ^{and} a third time and put upon his said services—the sum and days were left out on this one signed by Messrs. Drake and Fitzpatrick, and were:

Years, Messrs. Bell, Thomas, Draper, Fitzpatrick, Gantier, Holt, H. L. Johnson and Lucy, 84. Days, Mr. President, Messrs. Bonham, Bradenborough, Douglas, Drake, Gibson, Johnston, Kenan, Lee, S. Shew, Vaughan and Wyatt, 12.

So said bill was read.

An act to establish Pilots and Pilotage at St. John's bar in the Territory of Florida, was read a second time and referred to the Judiciary Committee.

A bill so called An act to authorise Limited Partnerships, was ordered to be engrossed for a third bill to-morrow.

A bill so called An act to call a Convention, &c. was taken from the orders of the day and made the special order for to-morrow.

A bill entitled An act to amend the several acts regulating the County Courts in this Territory, was taken from the orders of the day, and made the special order for Wednesday next.

A resolution heretofore offered by Mr. Gantier, was laid on the table till to-morrow.

A bill entitled An act to change the times of holding the County Courts of St. John's County, and for other purposes, was read a third time and passed. Ordered that the title be as above.

The House then adjourned till to-morrow 10 o'clock.

TUESDAY January 20th 1838.

A quorum of the House met pursuant to adjournment and the Journal of yesterdays proceedings was read.

Mr. Wyatt gave notice that he will on some future day, introduce a bill entitled, An Act to amend the charter of the Union Bank of Florida.

Mr. Johnson gave notice that he will on some future day ask leave to introduce a bill to be entitled "An Act to authorize the counties of Leon and Gadsden to build a bridge over the Ocklocknee river."

Mr. Fitzpatrick gave notice that he will on some future day ask leave to introduce a bill to incorporate the Florida Steam Packet association.

Mr. Long gave notice that he will on some future day ask leave to introduce a bill to authorize the raising of a fund for the payment of the troops ordered into service by the governor for the defence of the Territory, the payment of whom has been heretofore refused or defered by the General Government.

Mr. Gibson pursuant to previous notice asked and obtained leave to introduce a bill entitled "An Act to incorporate the St. Marys Rail Road Company" which was twice read (the rule being waived) and referred to the committee on Internal Improvement.

Mr. Gibson moved that the vote previously taken on a bill entitled "An Act to authorize John Bellamy to render the Ossilla river navigable be reconsidered. Which motion prevailed and said bill was referred to a select committee. Messrs Dozier, Gibson, and Long were appointed thereon.

Mr. Gibson presented the petition of B. G. Thornton which was read and laid on the table.

Mr. Blackburn moved, that the report of the committee on schools and colleges on a bill entitled An Act to authorize the Trustees of Jefferson Academy to rent the school lands within the county of Jefferson and for other purposes, be taken from the table, also that the said report be disagreed to—which motions prevailed, and said bill was placed among the orders of the day.

On motion of Mr. Blackburn, the report of the committee on schools and colleges on a bill entitled An Act to amend An Act (approved on the 14th day of February 1835) entitled An Act to prevent any person in this Territory, from carrying arms secretly, was taken from the table, disagreed to, and said bill placed among the orders of the day.

Mr. Brown offered a resolution to request of Congress a quarter section of land each to the counties of Columbia and Alachua for the purpose of building court houses in said counties—which was read.

Mr. Long from the select committee to whom was referred a bill entitled An Act to amend An Act concerning dower, reported said bill amended. Which report was concurred in, said bill laid on the table and written copies ordered.

The House went into committee of the whole on a bill enti-

led An act to call a convention &c. After some time spent in consideration of the said bill the committee rose and Mr. Hart Chairman therefrom, reported said bill to the House amended; which report was concurred in and said bill ordered to be engrossed for a third reading on to-morrow.

His Excellency the Governor transmitted to the House by his private Secretary Mr. Copeland, the following communication,

EXECUTIVE OFFICE, TALLAHASSEE,

29th January, 1838.

To the Legislative Council:

GENTLEMEN:—The enclosed resolutions adopted by the General Assembly of Alabama, I have received from the Governor of that State, accompanied with a request that they may be laid before the Legislative Council of Florida. The object of these resolutions, you will perceive, is the dismemberment of our Territory, and to procure from Congress, a cession to Alabama, of that part of Florida, situated to the westward of the Apalachicola river, embracing one fourth of our Territorial limits, and at least one fourth of our present population. After passing through seventeen years of Territorial bondage, at a moment when we are about to throw off our shackles, and assume the character of a sovereign and independent State, this effort on the part of Alabama, to extend her vast dominions, by a division of our Territory, is no less unexampled than extraordinary. The success of this proposition, while it would extend the jurisdiction, wealth and influence, of one of the largest and most powerful States of the South, would be attended with the most fatal consequences to the present and future prospects of Florida. It would not only postpone to an indefinite period, our just claims to self government, but after an elapse of many years, if admitted at all into the national confederacy, it would be with such diminished and circumscribed limits, as would leave us comparatively without political influence, or power in the councils of the nation.

It would have been more compatible with the generosity and magnanimity of the great State of Alabama, to have aided our effort in assuming a state government, even by a cession of a small part of her vast dominion, than to endeavor, by a dismemberment of our Territory, to retard our advancement.

But, gentlemen, we have nothing to apprehend from the ambitious design of a neighboring State to extend her jurisdiction. The integrity of our Territory is guaranteed by treaty stipulations. The sixth article of the treaty between Spain and the United States, provides that Florida shall be admitted into the

Union, so soon as it can be done consistently with the provisions of the federal constitution. If our population be, as it is confidently believed, equal to the present ratio of representation established by Congress, we have a right to demand, in the name of the plighted faith of the nation, an admission into the confederacy, with all the attributes of sovereignty. And without a violation of national honor, and national faith, Congress cannot defeat our just claims, to a State Government, by a cession of any portion of our Territory, on the application of a neighboring State, contrary to the will of the people.

R. K. CALL,

Gov. of Florida.

Which was read and with accompanying documents referred to a select committee.

Messrs. Blount, Fitzpatrick, Gautier, Wyatt, Long, Douglas, and Brockenbrough.

A bill entitled An Act, for the relief of Teletha Brooks was read a third time and put upon its final passage, the ayes and nays were called for on this question by Messrs. Ganner and Brown, and were—ayes, Messrs. Bannerman, Bell, Blount, Brockenbrough, Brown, Dzier, Drake, Hart, Higginbotham, Mills and Wyatt 11. Nays Mr. President, Messrs. Blackburn, Croskey, Fitzpatrick, Gautier, Gibson, Johnson, Kenan, Levy Livingston, Long, Shaw, and Vaughan 13, so said bill was lost.

A bill entitled an act to revive and continue in force an act establishing a ferry over St. Johns River at Jacksonville, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Douglas offered the following resolution:

Resolved, That the Committee on Finance be instructed to report the probable expense of supporting a State Government in Florida, for the first three years after such Government shall be established, and the means and resources which such State will possess for that purpose, including direct taxes upon lands and slaves. But stating particularly the amount and items of all the returns which such State will possess for that purpose, independent of direct taxes upon lands and slaves. Which was again read and adopted.

A resolution offered on yesterday by Mr. Gautier, was laid on the table till to-morrow.

Mr. Douglas on yesterday offered the following resolution,

WHEREAS, the Congress of the United States, by the seventeenth section of an act entitled, "An act establishing the Territorial Government of Wisconsin, approved 20th April, 1836;" appropriated the sum of five thousand dollars, to be expended under the direction of the Legislative Assembly of

said Territory, in the purchase of a library for the accommodation of said assembly and of the supreme court established by said act.

And whereas, every Territory of the United States has equal claims upon their justice and liberality. And whereas the same reasons exist here as prompted to that appropriation.

Therefore resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress, be requested to ask of Congress a similar appropriation to be expended by and under the direction of the Governor and Legislative Council of the Territory, late aforesaid, in the purchase of a library, for the accommodation of said Council and of the Court of Appeals of the said Territory of Florida.

Resolved further, that a copy of the foregoing preamble and resolution, be forwarded to the Hon. Charles Downing, Delegate in Congress from this Territory, by His Excellency the Governor, with a request that he give it immediate attention. Which was again read and adopted.

His Excellency transmitted to the House, by his private Secretary Mr. Copeland, the following Message:

EXECUTIVE OFFICE, TALLAHASSEE, }
30th January, 1838. }

To the Legislative Council:

GENTLEMEN—I hereby nominate Elias E. Blackburn and Charles N. Ponder, of Jefferson county, Justices of the Peace in and for said county.

R. K. CALL,
Gov. of Florida.

Which was read, and the nominations therein contained were consented to and advised.

A bill entitled an act providing for the safe keeping of the Records of the county of Mosquito, and for other purposes, was read a third time and passed—ordered that the title be as above stated.

A bill entitled an act to provide for a general system of Internal improvement in Florida, was made the special order for Thursday next.

A resolution heretofore offered by Mr. Douglas, concerning the sixteenth sections, was again read and adopted.

A bill entitled an act to amend an act, entitled an act to incorporate the city of Apalachicola, was ordered to be engrossed for a third reading on to-morrow.

A resolution heretofore offered by Mr. Gautier, concerning the compilation of the laws of Florida, was laid on the table.

A bill entitled an act to authorise limited partnerships, was

read a third time and passed—ordered that the title be as above stated.

A bill to be entitled an act to authorize the trustees of Jefferson Academy, to rent the School Lands within the county of Jefferson, and for other purposes, was laid on the table and written copies ordered.

A bill entitled an act to amend an act, approved the 14th Feb. 1835, entitled an act to prevent any person in this Territory from carrying arms secretly, was laid on the table, and written copies ordered.

The House then adjourned till 11 o'clock tomorrow.

WEDNESDAY January 31st, 1838.

A quorum of the House meet pursuant to adjournment and the Journal of yesterdays proceedings was read.

Mr. Blount, pursuant to previous notice asked and obtained leave to introduce a bill to be entitled, an act supplemental to the several acts incorporating the bank of Pensacola.—Which was twice read (the rule being waived) and referred to the committee on banks.

Mr. Wyatt, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, "an act to amend the charter of the Union Bank of Florida.—Which was twice read (the rule being waived) and referred to the Committee on Banks.

Mr. Shaw, pursuant to previous notice asked and obtained leave to introduce a bill to be entitled, "An act to extend the Jurisdictions of the Superior Court of Monroe county to the county of Dade, and the Jurisdiction of the county of Dade, to that of Monroe.—Which was twice read (the rule being waived) and referred to the Judiciary Committee.

On motion of Mr. Wyatt, a bill entitled, an act to provide for the raising of two companies of mounted militia for the protection of Middle and West Florida, was taken from the table and placed among the orders of the day.

Mr. Fitzpatrick, gave notice, that he will on some future day ask leave to introduce a bill entitled, an act to Incorporate the South and East Florida Rail Road and Steamboat Company.

Mr. Gautier gave notice, that he will on some future day ask leave to introduce a bill to be entitled an act to incorporate the East and West Florida Rail Road Company.

Mr. Gautier moved that the several matters embraced in the correspondence between the Governor of this Territory and the

Secretary of War be referred to the Committee on the state of the Territory.—Which motion prevailed.

On motion of Mr. Gibson, a bill entitled, an act for the appointment of weighers of cotton for the city of Tallahassee and town of St. Marks in this Territory, was taken from the table and placed among the orders of the day.

Mr. Gibson pursuant to previous notice, asked and obtained leave to introduce a bill entitled "an act concerning rail roads which was twice read (the rule being waived) and referred to the Judiciary Committee.

Mr. Gautier, pursuant to previous notice asked and obtained leave to introduce a bill entitled, an act concerning corporations.—Which was read and ordered for a second reading to-morrow.

Mr. Gibson, offered the following resolution, viz:

Moved. That the Select Committee, to whom was referred the resolutions from Alabama, be instructed to enquire by what authority the States of Alabama, Mississippi and Louisiana, retain that part of Florida, lying south of the 31st degree of north latitude, and between the Mississippi river, Lake Pontchartrain, and the Perdido river.

Which was read.

Mr. Hart, offered a preamble and resolutions, to request our delegate in Congress to urge the establishment of a weekly mail from Tallahassee to Jacksonville—which were read.

Mr. Gautier, offered a preamble and resolutions requesting our delegate in Congress to urge an appropriation to build a Marine Hospital at the city of St. Joseph—which were read.

Mr. Brockenbrough moved that the rule be waived and that he be permitted to introduce now a bill entitled, an act making office copies of certain instruments evidence; and coloured persons competent witnesses in certain cases.—Which motion prevailed, and said bill was twice read and referred to the committee on the Judiciary.

Mr. Domer, from the committee on enrolled bills reported as correctly enrolled, the following bill and resolution, viz.

An Act to change the time of holding the county courts of St. Johns county and for other purposes.

A preamble and resolution requesting an appropriation for purchasing a library for the use of the members of the Legislative Council and Court of Appeals; and a preamble and resolutions concerning the sixteenth sections of land in this Territory.

Mr. Blount, from the Judiciary committee to whom was referred a bill entitled an act to incorporate the Alachua land company, reported said bill amended.—Which report was con-

urred in, said bill laid on the table and printed copies ordered.

Mr. Gautier, from the committee on claims to whom was referred the petition of R. C. Lester, reported a bill entitled, An act for the relief of Robert C. Lester.—Which was read and ordered for a second reading to-morrow.

Mr. Long, from the committee on Internal Improvements, to whom was referred a bill to be entitled, An act to incorporate the Florida peninsula rail road and steam boat company, reported said bill to the House and asked to be discharged from its further consideration which report was concurred in, and said bill ordered to be placed among the orders of to-morrow.

Also from the same committee to whom was referred a bill to be entitled, An act supplemental to the act incorporating the Union Rail Road Company, reported said bill to the House, and asked to be discharged from its further consideration.

Which report was concurred in, and said bill ordered to be placed among the orders of to-morrow.

The House went into committee of the whole on a bill entitled, An act to amend the several acts, regulating county courts in this Territory, after some time spent in its consideration, the committee rose, and Mr. Brockenbrough, chairman therefrom, reported said bill to the House amended.—Which report was agreed to, and said bill again read and ordered to be engrossed for a third reading on to-morrow.

His Excellency the Governor, transmitted to the House, by his private Secretary, Mr. Copeland, the following message :

EXECUTIVE OFFICE,
Tallahassee, 30th January, 1838. }

To the Legislative Council:

GENTLEMEN, I have approved and deposited in the office of the Secretary of the Territory, the following acts:

"An act amendatory to the several acts incorporating the City of St. Josephs."

"An act to amend an act to regulate the foreclosure of mortgages."

"An act to amend an act entitled an act to incorporate the Bank of Jacksonville, approved February 14th, 1835."

I have also approved the following resolutions:

A resolution requesting our Delegate in Congress to use his exertions to have a Mail rout established from Monticello, passing through the northern part of Madison County, and directly through Hamilton County to the Gadsden Springs on the Suwannee river.

A resolution requiring our Delegate in Congress to introduce

a resolution to extend the franking privilege to the Governor and Secretary of Florida.

A resolution requesting the President of the United States to cause a company of Dragoons to be stationed on the frontier of Jefferson County.

R. K. CALL,
Governor of Florida.

Which was read.

Also the following, viz:

EXECUTIVE OFFICE,
Tallahassee, January 30th, 1838. }

To the Legislative Council:

GENTLEMEN, I hereby nominate Robert Beveridge of Calhoun County, Judge of the County Court of said County. And John C. McGee of Madison County, Judge of the County Court of said County; and Lewis Church, Justice of the Peace in and for the said county of Madison.

R. K. CALL,
Governor of Florida.

Which was read, and the nominations therein contained, consented to and advised by the House.

Mr. Brown offered the following resolution:

Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use every effort to procure the passage of a law, giving to the counties of Columbia and Alachua, one quarter section of land each, to be located in any of the unsold lands in said counties, the proceeds of which to be appropriated to the rebuilding of the Court Houses and Jails in said counties.

Be it further resolved, That the President and Chief Clerk of this House do sign these resolutions, and that they be handed to the Governor for his approval, and transmitted with all possible despatch to the Hon. Charles Downing.

Which was again read and adopted.

An engrossed bill entitled, An act to revive and continue in force, an act establishing a ferry over St. John's river at Jacksonville, was read the third time and passed.—Ordered that the title be as above stated.

A resolution heretofore offered by Mr. Gautier, was, on his motion, laid on the table.

An engrossed bill entitled, An act to amend the act entitled, an act to incorporate the city of Apalachicola,—was read a third time and passed.—Ordered that the title be as above written.

The House went into Committee of the whole on a bill en-

titled, An act to provide for the raising of two companies of mounted militia, for the protection of Middle and West Florida; after some time spent in its consideration, the committee rose, and Mr. Dozier chairman therefrom, reported progress, and asked leave to sit again, — Which report was agreed to.

His Excellency the Governor transmitted to the house, by his private Secretary, Mr. Copeland, the following message:

EXECUTIVE OFFICE,
Tallahassee, 31st January, 1838.
To the Legislative Council:

GENTLEMEN: I hereby nominate Levi F. Miller of Washington County, Judge of the County Court of said County.— A. G. Simmes of Calhoun County, Notary Public in and for said County. I also nominate Thomas Hardycourt of Jefferson County, a Justice of the Peace and Francis Darkins Auctioneer in and for said County. R. K. CALL,

Governor of Florida.

Which was read and laid on the table.

An engrossed bill entitled, An act to call a convention, &c., was read a third time and put upon its final passage, — the ayes and nays were called for on this question by Messrs. Mills and Fitzpatrick, and were, — Ayes, Mr. President, Messrs. Bremner, Blackburn, Brown, Crookley, Dozier, Fitzpatrick, Gantier, Gibson, Johnston, Kenan, Livingston, Long, Mills, Vaughan, and Wyatt, — 16. Nays, Messrs. Bell, Blount, Brockenbrough, Douglas, Drake, Hart, Higginbotham, Levy, and Shaw, — 9. So said bill passed.

The title was amended, to read as follows, viz: "An act to call a convention for the purpose of organizing a State Government."

A bill entitled, an act for the appointment of weighers of cotton for the city of Tallahassee and town of St. Marks, in this Territory, — was laid on the table, and written copies ordered.

Mr. Fitzpatrick moved that, the rule be waived, and he be permitted to introduce the following, viz: "That he will introduce a bill to amend the law regulating attachments in this Territory." — Which motion prevailed.

Mr. Fitzpatrick laid before the House the bond and agreement entered into by the Governor with John P. Duval, Esq., for the compilation of the laws Florida, — Which were received and laid on the table.

The house then adjourned till 11 o'clock to-morrow.

TUESDAY, February 1st, 1838.

The House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Long announced to the House the death of James W. Exum, Esq. and offered the following preamble and resolutions, viz: —

Whereas, by a melancholy dispensation of Providence, this House has been visited by a calamity grievously deplored, in the death of James W. Exum, one of its members; And whereas this Legislative Council, as individuals and as a body, entertain a veneration for the memory of the deceased commensurate with the respect due to him when living.

Be it therefore Resolved, That a Committee of three members be appointed by the President to confer with a Committee of the Masonic order and such others as may be constituted, to adopt the most appropriate arrangements for the order and conduct of the funeral.

Resolved, 2d, That the Legislative Council deplore the loss which they and the community have sustained in the death of an estimable man and a worthy officer.

Resolved 3d, That as a testimony of respect to the deceased, the members of this council will wear crape on the left arm for the space of thirty days.

Resolved 4th, That this House do now adjourn, and that the officers thereon furnish a copy of these resolutions for publication to the offices of the Floridian and Watchman, and that a copy thereof be transmitted to the family of the deceased, tendering our sincere yet unavailing condolence, at their melancholy bereavement.

Messrs. Long, Drake and Gantier, were appointed the committee for the aforementioned purpose.

The House then adjourned till 11 o'clock to-morrow.

FRIDAY, February, 2d, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Johnston, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, An act to authorise the counties of Gadsden and Leon, to build a bridge across the Ocklocknee river. — Which was twice read, the rule being waived.

ed, and referred to a Select Committee. Messrs. Johnston, Kenan, and Wyatt, were appointed thereon.

Mr. Gibson gave notice, that he will, on some future day, introduce a bill to be entitled, An act concerning banks.

On motion of Mr. Douglas, the petition of B. G. Thornton was taken from the table and placed among the orders of the day.

Mr. Johnston gave notice, that he will, on some future day, ask leave to introduce a bill entitled, An act to alter the time of holding the county courts in the counties of Goddard and Jackson.

Mr. Levy gave notice, that he will, on a future day, ask leave to introduce a bill entitled, An act concerning free negroes.

Mr. Douglas, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, An act to amend an act entitled, An act to incorporate the Southern College at St. Augustine, approved February 11th, 1837.—Which was twice read the rule being waived, and referred to the Committee on Schools and Colleges.

Mr. Fitzpatrick, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, An act to amend an act concerning attachments.—Which was twice read, the rule being waived, and referred to the Judiciary Committee.

Mr. Douglas gave notice, that he will, on some future day, ask leave to introduce a bill entitled, An act to amend the militia laws of this Territory.

Also a bill to be entitled, An act making further provisions relative to filing claims against the estates of deceased persons, and reviving suits against executors and administrators.

Mr. Long gave notice, that he will, on some future day, ask leave to introduce a bill to repeal an act, to amend an act entitled, An act to incorporate the subscribers of the Union Bank, so far as it relates to the location of a branch of said bank in Marianna, and for other purposes.

Mr. Levy, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, An act to legalize certain proceedings in the superior courts of East Florida.—Which was twice read and referred to the Judiciary committee.

Mr. Blount gave notice, that he will, on to-morrow, ask leave to introduce a bill to be entitled, An act to amend the act incorporating the Roman Catholic congregation of Pensacola.

Mr. Levy, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, An act to authorize Augustus Popzard and Francis Gue, the attorneys of F. J. Avice, to sell and convey certain property in lands, for the benefit of the chil-

dren of said Francis J. Avice.—Which was read and referred to the Judiciary Committee.

Mr. Long to introduce a bill of the lands of the infant children of Wm. Blackton.—Which was read twice and referred to the Judiciary Committee.

Also an act to amend an act for the taking of a census of Florida.—Which was read and ordered for a second reading on to-morrow.

Mr. Levy, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, An act concerning banks.

Which was twice read, ordered to be printed, and made the special order of the day for Monday next.

Mr. Blackton, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, An act to amend the several acts now in force in this Territory, respecting sales by mail.—Which was twice read and referred to a Select Committee. Messrs. Blackton, Irvington and Mills, were appointed thereon.

On motion of Mr. Blackton, a bill entitled, An act to authorize the trustees of the Jefferson academy, to rent the school house, within the county of Jefferson, and for other purposes, was taken from the table and placed among the orders of the day.

Mr. Long moved that a bill entitled an act to amend an act concerning forests, be read on from the table and placed among the orders of the day.—Which motion prevailed.

On motion of Mr. Blackton, the bill entitled an act to amend an act to prevent any person from carrying arms secretly, was taken from the table and placed among the orders of the day.

Mr. Douglas gave notice, that he will on a future day, ask leave to introduce a bill entitled an act to exempt the inhabitants of East Florida from the payment of taxes during the continuance of the present Indian war, and for other purposes.

Mr. Hart presented the petition of Jonathan Thigpen; which was read, and referred to a select committee.

Messrs. Hart, Brown, and Levy, were appointed thereon.

On motion of Mr. Crosley, a bill entitled an act to charter and incorporate the Trustees of the St. Andrews College, in West Florida, was taken from the table and placed among the orders of the day.

Mr. Levy offered the following resolution, viz:

Resolved, That the Governor be, and he is hereby, requested to furnish to this House copies of the reports of the Paymaster General, referred to in the letters of the Secretary of

War, of the 13th October, 1837, and of the 30th December, 1837—Which was read.

Mr. Long offered a Resolution requesting an appropriation to open a road from St. Andrews Bay to Webbville. Which was read.

Mr. Dozier from the committee on Enrolled Bills, reported as correctly enrolled—

“An act to authorize Limited Partnerships.”

“An act to revive and continue in force an act establishing a Ferry over St. John's river, at Jacksonville.”

“An act to call a Convention for the purpose of organizing a State Government.”

“An Act to amend an act entitled an Act to incorporate the city of Apalachicola.”

“An act providing for the safe keeping of the Records of the county of Musquito, and for other purposes.”

And a Resolution giving to the counties of Columbia and Alachua a quarter section of land each, for the purpose of building the Court Houses and jails, in said counties.”

Mr. Fitzpatrick, the rule being waived, gave notice, that he will on some future day, ask leave to introduce a bill for the relief of the Clerk of the County Court of Dade County, and to legalize certain acts of said clerk.

Mr. Douglas, from the committee on Banks, to whom was referred the petition of sundry citizens of Jackson county, asking that certain alterations be made in the charter of the Union Bank of Florida, reported that it is inexpedient to grant the prayer of petitioners.—Which report was, on motion of Mr. Long, laid on the table.

His Excellency the Governor, transmitted to the House, by his private secretary, the following message:

EXECUTIVE OFFICE,

TALLAHASSEE, February 1, 1838.

To the Legislative Council:

GENTLEMEN:—I hereby nominate the following officers for the County of Calhoun. For Auctioneers, Hezekiah R. Wood, Hezekiah Hawley. For Notaries Public: William D. Price, E. J. Hardin, James Hudson, H. D. Stone, Hezekiah R. Wood. For Justices of the Peace: Charles Haire, Edward Hamilton, David Webster, Samuel Burgess. And as Port Wardens, for the City of St. Joseph: Hezekiah R. Wood, Edward Hamilton, James Black, and David Webster.

R. K. CALL,
Governor of Florida.

Which was read and the nominations therein contained consented to and advised.

Mr. Shew, the rule being waived, gave notice, that he will ask leave to-morrow to introduce a bill entitled an act to amend the Pilot Law in the county of Monroe.

His Excellency transmitted to the House the following communication:

EXECUTIVE OFFICE, TALLAHASSEE,

31st January, 1838.

To the Legislative Council:

GENTLEMEN:—I hereby nominate James R. Green and James Willy, Justices of the Peace, in and for the County of Leon. R. K. CALL, Governor of Florida.

Which was read, and the nominations therein contained, were consented to, and advised.

Also the following:

EXECUTIVE OFFICE,

TALLAHASSEE, February 1st, 1838.

To the Legislative Council:

GENTLEMEN, I hereby nominate William Coulston, James Thompson, John D. Braddock, and Domingo Acosta of Nassau County, Justices of the Peace in and for said County.

R. K. CALL, Governor of Florida.

Which was read, and the nominations therein contained were consented to, and advised.

Mr. Douglas, from the Bank committee, to whom was referred a bill entitled an act further to amend the charter of the Southern Life Insurance and Trust Company, reported said bill to the House with amendments.—Which report was concurred in, and said bill ordered for Tuesday next.

Also from the same committee to whom was referred a bill to be entitled an act supplemental to the several acts incorporating the Bank of Pensacola, reported said bill to the House. Which report was concurred in, and said bill ordered for Tuesday next.

Also, from the same committee, to whom was referred a bill entitled an act to amend the charter of the Union Bank of Florida, reported said bill amended.—Which report was concurred in, and said bill ordered for Tuesday next.

Also, from the same committee, to whom was referred a bill entitled an act to prevent any foreign banking corporations or companies, from exercising corporate privileges in this Terri-

907, reported said bill to the House, Which did, new referred to, and said bill read the first and second times.

Mr. Dorier offered a Resolution to the Hon. Delegates in Congress to urge the disappropriation of four thousand dollars for erecting the Court House of Jefferson County, Which was read.

Mr. Wyett from the Committee on the State of the Territory, to whom was referred the correspondence between the Governor and Secretary of War, made the following report:

[See Appendix.]

Which was read and ordered to be printed.

Mr. Mills from the select committee, to whom was referred the petition of sundry citizens of Alachua County, reported a bill to be entitled an act for the relief of Micajah Dean, Which was read and ordered for a second reading on tomorrow.

The Governor transmitted to the House, by his private Secretary, Mr. Copeland, the following communication:

EXECUTIVE OFFICE, TALLAHASSEE, }
February 2d, 1837. }

To the Legislative Council:

GENTLEMEN.—I enclose you herewith the report of the Treasurer of the Territory, for the year 1837, on school lands, accompanied with his account current, exhibiting the receipts and expenditures of the fund arising from that source. I present you also, with a special report of the Treasurer in the case of a sale of lots, containing a part of one of the 16th sections in Jackson county, and asking for instructions to govern his conduct in relation to it. I have thought proper to refer the subject to the Council for further Legislative action.

R. K. CALI,
Governor of Florida.

Which was read, and with the accompanying documents referred to the Committee on Schools and Colleges.

Mr. Fitzpatrick, pursuant to previous notice, asked and obtained leave now, the rule being waived, to introduce a bill entitled, **An act to incorporate the Florida Steam Packet Association.**—Which was twice read, the rule being waived, and referred to the Committee on the State of the Territory.

The House went into Committee of the Whole, on a bill entitled, **An act to provide for a general system of Internal Improvement in Florida,** after some time spent in its consideration, the committee rose, and Mr. Long chairman therefrom, report-

ed passed, and it was ordered to be engrossed and referred to the Committee on Internal Improvement.

A bill entitled, **An act to incorporate the Union Bank of Florida,** was introduced and read the first and second times, and referred to the Committee on Internal Improvement.

A bill entitled, **An act to incorporate the Bank of the State of Florida,** was introduced and read the first and second times, and referred to the Committee on Internal Improvement.

A bill entitled, **An act to incorporate the Bank of the State of Florida,** was introduced and read the first and second times, and referred to the Committee on Internal Improvement.

A bill entitled, **An act to incorporate the Bank of the State of Florida,** was introduced and read the first and second times, and referred to the Committee on Internal Improvement.

A bill entitled, **An act to incorporate the Florida Pensacola Rail Road and Steam Packet Company,** after some time spent in its consideration, the committee rose, and Mr. Crookshank chairman therefrom, reported a bill to the House, amended.

Which report was agreed to, said bill again read and ordered to be engrossed for a third reading on tomorrow.

The House then adjourned till to-morrow morning at 10 o'clock.

SATURDAY, February 3, 1838.

A quorum of the House met pursuant to adjournment and the Journal of yesterday's proceedings was read.

Mr. Gibson, pursuant to previous notice asked and obtained leave to introduce a bill entitled an act for the relief of the banks, which was twice read and referred to the Committee on Banks.

Mr. Long, pursuant to previous notice, asked and obtained leave to introduce a bill entitled an act to amend an act to incorporate the stockholders of the Union Bank of Florida, so far as it relates to the establishment of a branch in Marianna—Which was twice read and referred to a select committee. Messrs. Long, Gautier, and Johnston were appointed thereon.

Mr. Fitzpatrick, pursuant to previous notice, asked and obtained leave to introduce a bill entitled an act for the relief of

George W. Semeyndick—Which was twice read and referred to the Judiciary Committee.

Mr. Douglas, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled an act to exempt the inhabitants of the Judicial District of East Florida from the payment of taxes during the continuance of the present Indian war, and for other purposes—Which was twice read and referred to the Finance Committee.

Mr. Gautier, pursuant to previous notice, asked and obtained leave to introduce a bill entitled an act to provide for the erection of a court house and jail in the counties of Franklin and Calhoun—Which was read and ordered for Monday.

Mr. Douglas, pursuant to previous notice asked and obtained leave to introduce a bill entitled an act respecting debts and demands against the estates of deceased persons, and suits against executors and administrators, and for other purposes—Which was twice read and referred to the Committee on the Judiciary.

Mr. Gautier asked that the rule be waived, and that he be permitted now, to introduce a bill entitled an act to give additional jurisdiction to the County Court of Franklin—Which motion prevailed; and said bill was read and ordered for Monday.

Mr. Levy moved that the rule be waived, and that he be permitted now, to introduce a bill entitled an act to extend the time of service of the members of the Legislative Council—Which motion prevailed, and said bill was twice read and referred to the Judiciary.

Mr. Croskey moved that the rule be waived, and that he be permitted now, to introduce a bill to be entitled an act to authorize the Union Bank of Florida, to construct a rail road to connect the waters of the Atlantic Ocean with the waters of the Gulf of Mexico—Which was twice read, laid on the table and ordered to be printed.

Mr. Johnston, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled an act to change the time of holding the County Courts in the Counties of Gadsden and Jackson—Which was read and ordered for Monday.

Mr. Gautier moved that the rule be waived, and that he be permitted now, to introduce a bill entitled an act to incorporate the East and West Florida Rail Road Company—Which motion prevailed, and said bill was read by its title, and ordered for Monday.

Mr. Levy, pursuant to previous notice, asked and obtained leave to introduce a bill entitled an act concerning free persons of color—Which was read and ordered for Monday.

Mr. Blount, pursuant to previous notice, asked and obtained leave to introduce the following bill, viz:

A bill to be entitled an act to amend the act incorporating the Roman Catholic Congregation of Pensacola.

A bill to be entitled an act to authorize Abraham Milted to establish a toll bridge across the Big Escambia.

A bill entitled an act to incorporate the Arcadia rail road company.

A bill to be entitled an act to amend the act incorporating the City of Pensacola—

A bill to be entitled an act to incorporate the Pensacola City Company—Which were severally read and ordered for a second reading on Monday.

Mr. Levy, pursuant to previous notice, asked and obtained leave to introduce a bill entitled an act to amend an act concerning judicial procedure—Which was twice read and referred to the Judiciary Committee.

Mr. Croskey moved that the rule be waived, and he be permitted to introduce a bill entitled an act to authorize Jas. Bryan to establish a ferry across Holmes' Creek—Which was read twice and referred to the Committee on internal improvements.

Mr. Hartman moved, and resolved, requesting our delegate in Congress to procure an appropriation to build a Court House in Dixiel County—Which were read.

Mr. Douglass offered a possible and resolution extending the time of keeping open the books of the East and South Florida Rail Road Company—Which were read.

Mr. Gautier, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled an act to amend a law providing for the taking of depositions in courts of law and chancery in this Territory—Which was twice read and referred to the Judiciary Committee.

Mr. Davis, moved that he be now permitted to introduce a bill entitled An Act to reward An Act entitled an act regulating county assessors of real and personal property, and recording thereof, which prevailed, and said bill was twice read and referred to the Judiciary Committee.

He then delivered the following communication to the House by his Secretary Mr. Copeland:

Executive Office,
Tallahassee, 1st February, 1837.

To the Legislature.

General Laws, three copies and deposited in the office of the Secretary of the Territory the following Acts and Resolutions:

"An Act to call a convention for the purpose of organizing a State Government."

"An Act providing for the safe keeping of the Records of the County of Mosquito, and for other purposes."

"An Act to amend An Act entitled An Act, to incorporate the City of Apalachicola."

"An Act to authorize Limited Partnerships."

"An Act to revive and continue in force An Act establishing a Ferry over the St. Johns River at Jacksonville."

"An Act to change the times of holding the County Court of St. Johns County and for other purposes."

A Resolution requesting the Delegate in Congress to use his exertions to procure the passage of a law authorizing the location of certain lands for School purposes, instead of those of the 16th Sections which are barren, and of no value.

A Resolution requesting the Delegate in Congress to endeavor to procure an appropriation of five thousand dollars, to purchase a library for the use of the Legislative Council.

A Resolution requesting the Delegate in Congress to endeavor to procure the passage of a law granting to the Counties of Columbia and Alachua each one quarter section of land.

R. K. CALL.

Governor of Florida.

Mr. Fitzpatrick chairman of the Finance Committee made the following report:

The Committee on Finance to which was referred the Resolution instructing them to report the probable expense of supporting a State Government in Florida for the first three years, and the means and resources which such State will possess for that purpose, including direct taxes upon lands and slaves, but stating particularly the amount and items of all the resources which such State will possess for the purpose, independent of direct taxes upon lands and slaves, Report, That from the best information they have been able to acquire on the subject, they believe that the expenses of a State Government in Florida will not for the first three years exceed sixty thousand dollars per annum, and that for the purpose of meeting the expenses of such a Government, the following resources will furnish the means:

On lands,	\$10,000 00
On slaves,	10,000 00
Free negroes,	2,000 00
On retailers of spirits, wares, &c.,	7,500 00
On retailers of goods and groceries, capital under \$5000,	5,000 00
On venders of dry goods and merchandize,	

Capital \$10,000,	6,000 00
On commission merchants,	2,000 00
On commission merchants and agents forwarding goods beyond the Territory,	2,500 00
On town and city property,	25,000 00
On pleasure carriages,	2,500 00
On Banks and rail roads,	20,000 00
On auction sales,	6,000 00
On Insurance and Lottery Offices, Auctions and picnics,	3,000 00
On billiard tables,	1,000 00
On fine books and other valuable tables,	10,000 00
On wrecked property,	5,000 00
On tavern keepers,	2,500 00
On persons using and exercising professions in this Territory,	3,000 00
	812,500 00
Debt land and property,	25,000 00
Will leave for the support of a State Government,	810,500 00

The Committee in making the estimates of the different subjects for taxation, have adopted a very moderate rate at which they shall be taxed, and they have little doubt that other subjects for taxation will be found, whereby a greater revenue will accrue if it shall be found necessary and expedient herafter to increase the revenue; at any rate the taxes might be increased on the before mentioned items, without being more onerous than the citizens of the States generally, now have imposed on them. The increase which the Committee are of opinion they may justly contemplate of population, agriculture and commerce, which will be the natural consequence of this Territory becoming a State, will increase the means of supporting such a government far beyond what its necessities will ever be.

R. FITZPATRICK, Chairman.

Which was read, concurred in, and 200 copies ordered.

Mr. Levy, offered a Resolution concerning the Sea Wall at St. Augustine.

Which was read.

Mr. Dozier, from the Committee on Enrolled Bills, reported the following as correctly enrolled viz:

The Preamble and Resolution concerning the establishment of a semi-weekly Mail from Tallahassee to Jacksonville.

An Act concerning Corporations.

An Act for the relief of R. C. Lester.

And a Preamble and Resolution for the erection of a Marine Hospital at the City of St. Joseph.

Mr. Johnson from the select committee to whom was referred a bill entitled **An Act to authorise the Counties of Gadsden and Leon, to build a bridge over the Ocklocknee River**, reported said bill without amendment,—Which was concurred in, and said bill made the special order for Tuesday next.

Mr. Dozier from the select committee to whom was referred the petition of William Blackburn, reported a bill to be entitled **An Act to authorise and empower the Territorial Treasurer to make and execute a lease for a term of years, of a portion of the university lands**, which was twice read and ordered for **Monday**.

Mr. Hart from the select Committee to whom was referred the petition of Jonathan Thigpen, reported a bill entitled **An Act for the relief of J. Thigpen**, which was read and ordered for **Monday**.

A bill to be entitled **An Act supplemental to the Act incorporating the Union Rail Road Company**, was made the order for **Monday**.

An Engrossed bill entitled **An Act to amend the several Acts regulating the Several County Courts in this Territory**, was made the special order for **Monday**.

The House went into a committee of the whole, on a bill entitled **An Act to provide for the raising two Companies of Mounted Militia for the protection of Middle and West Florida**. After some time spent in its consideration, the committee rose and Mr. Dozier chairman therefrom, reported progress and asked leave to sit again, which was concurred in and copies ordered.

The Petition of Benjamin G. Thornton was referred to the **Judiciary Committee**.

The House went into committee of the whole, on a bill entitled **An Act to authorise the Trustees of Jefferson Academy to rent the School Lands in Jefferson County and for other purposes**; after some time spent in its consideration, the committee rose and Mr. Brokenbrough Chairman therefrom, reported said bill without amendment, which was concurred in, and said bill ordered to be engrossed for a third reading on **Monday**.

A bill entitled **An Act to amend An Act concerning Dower**, was read a second time and ordered to be engrossed.

The House went into a committee of whole on a bill entitled **An Act to prevent any person in this Territory from carrying arms secretly**; after so. e time spent in its consideration, the

committee rose and Mr. Higberman Chairman therefrom, reported a substitute for said bill, which was agreed to.

The House went into committee of the whole, on a bill entitled **An Act to charter and incorporate the Trustees of St. Andrew College in West Florida**. After some time spent in its consideration, the committee rose and Mr. Crosby Chairman therefrom, reported a bill amended, which was concurred in and said bill ordered to be engrossed.

His Excellency the Governor, was called to the House by his private Secretary Mr. Copeland, the following communication.

EXECUTIVE ORDER,
Tallahassee, February 1, 1838.

To the Legislative Council.

GENTLEMEN.—At the request of the Surveyor General of the Territory, I enclose you herewith, a communication from the Commissioner of the General Land Office, on the subject of erecting a building at this place for the preservation of the Archives of the Surveyor's Department.

R. K. CALHOUN,
Governor of Florida.

Which was read, and with the accompanying documents referred to the committee on the State of the Territory.

Mr. Levy from the committee on Internal Improvements to whom was referred a bill entitled **An Act to Incorporate a company to be called the St. Mary's Rail Road Company**, reported said bill to the House, and asked to be discharged from its further consideration.

The House then adjourned till 11 o'clock on **Monday**.

MONDAY, February 5, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of last Saturday's proceedings was read.

On motion of **Mr. Blackburn**, a bill to be entitled an act to regulate license on retailers of spirituous liquors, was taken from the table and placed among the orders of the day.

Mr. Mills presented the petition of John M. Stafford, praying a divorce from his wife—Which was read, and with the accompanying documents referred to a select committee; Messrs. Mills, Hart, and Higginbotham, were appointed thereon.

Mr. Levy presented the petition of sundry citizens of St. Augustine—Which was read and referred to a select committee;

(21)
Messrs. Levy, Brockenbrough, and Douglas, were appointed thereon.

Mr. Wyatt moved that the 38th rule be so amended as to allow the introduction of bills till Tuesday—Which motion prevailed.

Mr. Wyatt gave notice that he will on to-morrow, ask leave to introduce a bill entitled an act to amend an act entitled an act to call a convention for the purpose of organizing a State Government.

Mr. Fitzpatrick from the Finance Committee to whom was referred a bill to be entitled an act to exempt the inhabitants of the Judicial District of East Florida from the payment of taxes during the continuance of the present Indian war and for other purposes—reported said bill to the House, and asked to be discharged from its further consideration—Which report was concurred in.

Also from the same committee, to whom was referred the petition of Joseph Delafield, agent of the Apalachicola Land Company—reported said petition to the House, and asked to be discharged from its further consideration—Which report was agreed to.

Also from the same committee, reported a bill entitled an act to raise a revenue for the Territory of Florida—Which was read, laid on the table, and ordered to be printed.

Mr. Long, from the select committee, to whom was referred a bill entitled an act to repeal an act to incorporate the stock-holders of the Union Bank of Florida, so far as it relates to the establishment of a branch in Marianna—reported said bill to the House without amendment—Which report was agreed to, and written copies ordered.

Mr. Drake, from the committee on Schools and Colleges to whom was referred the bill entitled an act to amend an act entitled an act to incorporate the Southern College at St. Augustine, approved February 11th 1837—reported said bill without amendment—Which was agreed to, and said bill placed among the orders of the day.

Mr. Blount, from the committee on the Judiciary, to whom was referred a bill entitled an act to incorporate the Southern Joint Stock Company, for the establishment of certain manufactures, and the encouragement of labor in Florida; reported said bill without amendment—Which report was agreed to, and said bill ordered to be engrossed for a third reading on to-morrow.

Mr. Mills, from the select committee, to whom was referred the petition of John M. Stafford; reported a bill to be entitled

(95)

an act for the relief of John M. Stafford—Which was read and ordered for to-morrow.

Mr. Blackburn, from the select committee to whom was referred a bill entitled an act to amend the several acts now in force in this Territory respecting sales by mortadels; reported said bill without amendment—Which report was agreed to, and said bill ordered to be engrossed.

The House went into committee of the whole on a bill entitled an act to amend the several acts regulating County Courts in this Territory; after some time, the committee rose, and Mr. Johnston, chairman therefrom, reported said bill suspended, which was agreed to, and said bill read and ordered to be engrossed for a third reading on to-morrow.

The Governor transmitted to the House, by his private Secretary, Mr. Copeland, the following Message:

EXECUTIVE OFFICE,
Tallahassee, February 5th, 1838.
To the Legislative Council:

GENTLEMEN—I have approved and deposited in the office of the Secretary of the Territory, the following acts:

An act to establish the County site of Hamilton County, and to repeal an act to make permanent the County site of Hamilton County, passed the 15th of January 1836.

An act for the relief of Robert C. Lester.

An act concerning corporations.

A Resolution requesting our Delegate in Congress to use his exertions to have a semi-weekly mail established from Tallahassee to Jacksonville.

A resolution requesting our Delegate in Congress to endeavor to have a marine hospital established at St. Joseph.

R. K. CALL,
Governor of Florida.

Also the following:

EXECUTIVE OFFICE,
Tallahassee, February 5th, 1838.
To the Legislative Council:

GENTLEMEN—I hereby nominate for the County of Washington the following Officers: For Auctioneers, Henry Clark, Levi F. Miller. For Notaries Public, Henry Clark, Stephen B. Roach, Ashley H. Miller. For Justices of the Peace, Henry Clark, Wylie Jones, W. M. Loftin, John Bryan. As

Port Wardens for the Bay of St. Andrews, I nominate W. M. Loftin, Francis Loftin, Wylie P. Clarke.

R. K. CALL,
Governor of Florida.

Which was read and the nominations thereto contained were consented to and adopted.

A bill entitled an act to incorporate the Tropical Plant Company of Florida, was read a second time and ordered to be engrossed for a third reading to-morrow.

A bill entitled an act to amend an act for the taking of a census of Florida, was read a second time and indefinitely postponed.

A Resolution heretofore offered by Mr. Levy, requesting of the Governor, certain correspondence; which was again read and amended in the House by adding the following words to the end of it: "also the correspondence between his Excellency and the commanding General in Florida, relative to calling out the Troops in Middle and West Florida and their payment."

The question was then put, shall this resolution be adopted? Upon this question the ayes and nays were called by Messrs. Blackburn and Dozier, and were ayes Mr. President, Messrs. Bannerman, Dozier, Blount, Brockenbrough, Croskey, Douglas, Blackburn, Drake, Fitzpatrick, Gautier, Gibson, Levy, Long, Shaw, Vaughan and Wyatt 17, nays Messrs. Bell, Hart, Higginbotham and Mills, 4. So said resolution was adopted.

A Resolution heretofore offered by Mr. Long, to procure an appropriation to open the road from St. Andrews Bay to Webville, was again read and adopted.

A bill entitled An act for the relief of Micajah Deane, was read the second time and ordered to be engrossed for a third reading on to-morrow.

A Resolution heretofore offered by Mr. Dozier requesting an appropriation to build a Court House and Jail in Jefferson County, was postponed till to-morrow. The House went into committee of the whole, on a bill entitled An act to provide for a general system of Internal Improvement in Florida. After some time the committee rose and Mr. Long Chairman therefrom, reported progress and asked leave to sit again; which was agreed to, and said bill made the special order of the day for Wednesday next.

A bill entitled An act to incorporate the Florida Peninsula Rail Road Company, was read a third time and passed. Ordered that the title be as above written.

A bill to be entitled An act to create a fund for the edu-

tion of poor children in the county of Monroe, was read a second time and ordered to be engrossed for a third reading to-morrow.

A bill entitled An act for the relief of Jonathan Thigpen, was read a second and third time and put upon its final passage. The ayes and nays were called for on this question by Messrs. Gautier and Long, and were ayes Messrs. Blount, Brockenbrough, Croskey, Dozier, Drake, Hart, Mills, and Wyatt, 9. Nays Mr. President, Messrs. Bannerman, Blackburn, Fitzpatrick, Gautier, Gibson, Higginbotham, Johnston, Levy, Livingston, Long, Shaw and Vaughan 13. So said bill was lost.

A bill to be entitled an act to provide for the erection of a Court House and Jail in the County of Franklin and Calhoun, was postponed till to-morrow.

A bill to be entitled an act to give additional jurisdiction to the County Court of Franklin, was again read and referred to the Judiciary Committee.

A bill to be entitled an act to change the time of holding the County Courts in the Counties of Gadsden and Jackson was read a second time, and ordered for to-morrow.

A bill to be entitled an act to incorporate the East and West Florida Rail Road Company, was again read, printed copies ordered, and made the order of the day for Wednesday.

The House went into committee of the whole, on a bill entitled an act concerning free persons of color; after some time the committee rose and Mr. Wyatt Chairman therefrom, reported said bill to the House and asked to be discharged from its further consideration; which was agreed to, and said bill was referred to a select committee, Messrs. Levy, Blount, and Brockenbrough, were appointed thereon.

A bill entitled An Act to amend the Act incorporating the Roman Catholic Congregation of Pensacola was read a second time, and referred to the Judiciary Committee.

A bill to be entitled An Act to authorize Abraham Milsted to establish a Toll Bridge across the Big Escambia was read a second time and referred to the committee on the State of the Territory.

A bill to be entitled An Act to amend the Act incorporating the City of Pensacola was laid on the table.

A bill to be entitled An Act to incorporate the Arcadian Rail Road Company, was read a second time and referred to the committee on Internal Improvement.

A bill to be entitled An act to incorporate the Pensacola City Company, was read a second time and referred to the committee on the Judiciary.

A Resolution heretofore offered by Mr. Hart, requesting an appropriation of five thousand dollars to build a Court House for Duval County was again read and adopted.

A bill entitled An act to amend An act incorporating the East and South Florida Canal Company was read a second time and ordered to be engrossed for a third reading on to-morrow.

A Resolution heretofore offered by Mr. Levy, concerning the Sea Wall at St. Augustine was laid on the table.

A bill to be entitled "An act to authorize and empower the Territorial Treasurer to make and execute a lease for a term of years of a portion of the University Lands" was read again and laid on the table.

A bill entitled an act supplemental to the act incorporating the Union Rail Road Company, was made the order for Wednesday next.

A bill to be entitled An act to authorize the Trustees of Jefferson Academy to rent the school lands within the County of Jefferson, and for other purposes was laid on the table.

A bill entitled An act to provide for the raising of two Companies of Mounted Militia for the protection of Middle and West Florida was postponed till to-morrow.

A bill entitled An act to amend An act concerning Dower was read a third time and put upon its final passage. Upon this question the ayes and nays were called by Messrs Drake and Gautier. Ayes, Mr. President, Messrs. Bannerman, Bell, Blackburn, Brockbrough, Croskey, Douglas, Dozier, Fitzpatrick, Gautier, Higginbotham, Johnston, Levy, Livingston, Mills, Vaughan, and Wyatt, 18 nays, Messrs. Blount, Drake, and Shaw 3. So said bill was passed.

An engrossed bill entitled An act to prevent any person in this Territory from carrying arms secretly, was read a third time and put upon its final passage. The ayes and nays were called for on this question by Messrs. Drake and Bell, and were yays Mr. President, Messrs. Bannerman, Blackburn, Croskey, Dozier, Gautier, Gibson, Levy, Long, Mills, Vaughan and Wyatt, 12 Nays, Messrs. Bell, Blount, Brockbrough, Douglas, Drake, Fitzpatrick, Higginbotham, Johnston, Livingston and Shaw, 11. So said bill passed. The title was amended to read as follows, "An act in addition to An act, (approved Jan. 30th 1835,) entitled An act to prevent any person in this Territory from carrying arms secretly."

A bill to be entitled An act to charter and incorporate the Trustees of the St. Andrews College in West Florida, was ordered to be engrossed for a third reading on to-morrow.

A bill entitled an act to incorporate the St. Mary's Rail Road Company, was laid on the table till to-morrow.

A bill to be entitled an act to amend an act entitled an act to incorporate the Southern College at St. Augustine, approved Feb. 11th 1835, was laid over till to-morrow.

A bill entitled an act to regulate license on retailers of Spirituous Liquors, was laid on the table till to-morrow.

Mr. Long, from the committee on Internal Improvement to whom was referred a bill to be entitled an act to authorize John Bryan to establish a Ferry across Holmes Creek; also a bill to incorporate the Florida Rail Road and Canal Company, reported said bills to the House without amendment. Which report was agreed to.

The House then adjourned till to-morrow morning at 11 o'clock.

TUESDAY, February 6th, 1838.

The House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Brown moved that the rule be waived, and that he be permitted now to introduce a bill to be entitled, An act to authorize Douglas Vass, and other proprietors of the town of Readsville, to build a bridge over the Suwannee river; which motion prevailed, and said bill was twice read and referred to a Select Committee. Messrs. Brown, Livingston, and Bell, were appointed thereon.

Mr. Fitzpatrick, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, An act to incorporate the South Florida Land Company.—Which was twice read and ordered for a third reading on to-morrow.

Mr. Wyatt, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, An act to amend an act, to call a Convention, for the purpose of organising a State Government.—Which was twice read and ordered for a third reading on to-morrow.

Mr. Shaw presented the petition of J. J. Sands.—Which was read, and with the accompanying documents, referred to the Committee on Claims.

Mr. Long offered the following resolution, viz:

Resolved, That the Legislative Council of the Territory of Florida, will adjourn *sine die* on Saturday next.—Which was read. (

Mr. Fitzpatrick offered the following preamble and resolutions:

WHEREAS, it has been usual in the United States Government, to confer brevet rank upon meritorious officers of the army, for distinguished bravery and good conduct in the presence of the enemy, and more particularly when that enemy has been beaten and routed by an inferior force; and whereas, the conferring of brevet has been continued during the Seminole war for similar services, and this Legislative Council believing that the services of a most gallant and meritorious officer has, from some cause, been overlooked.

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That they entertain the highest opinion of the meritorious services of Captain Daniel D. Tompkins, of the 1st regiment of artillery in the service of the United States, for the gallantry and good conduct displayed by him in the different actions in which he has been engaged during the present war, and particularly that of San Felasco, where he charged and beat the enemy with an inferior force.

Be it further resolved, That the Governor be, and he is hereby requested to cause a copy of these resolutions to be forwarded to the Hon. Charles Downing, our Delegate in Congress, with a request that he will lay them before the President of the United States, and that he will use his exertions to have the brevet rank of a major, in the United States army, conferred on Captain Tompkins.

Which was twice read and put upon its final passage. The ayes and nays were called for on this question by Messrs. Long and Fitzpatrick, were:—Ayes, Mr. President, Messrs. Bannerman, Bell, Blackburn, Blount, Brockenbrough, Brown, Crosskey, Douglas, Dozier, Drake, Fitzpatrick, Gaquier, Hart, Higginbotham, Johnston, Kenan, Levy, Long, Mills, Shaw, Vaughan and Wyatt,—23. Nays.—Mr. Livingston,—1. So said resolutions were adopted.

Mr. Gibson by his request, was excused from voting on said resolutions.

Mr. Gibson moved that the rule be waived and he be permitted now to introduce a bill entitled An act to change the Terms of the Courts of Middle Florida; which motion prevailed and said bill was read and ordered for a second reading on to-morrow.

Mr. Wyatt from the committee on the state of the Territory to whom was referred a bill to authorize the St. Andrews and Chipola Canal and Rail Road Company, to establish its records and other papers lost by fire reported said bill to the

House without amendment, which report was concurred in and said bill ordered, for to-morrow.

Also from the same committee to whom was referred a bill entitled, An act to incorporate the Florida Steam Packet Association, reported said bill without amendment.—Which report was agreed to, and said bill ordered to be placed among the orders of to-morrow.

Mr. Douglas, from the bank committee, to whom was referred a bill entitled, An act for the relief of the banks; reported said bill to the House, and asked that the committee be discharged from its further consideration.—Which report was agreed to.

Also from the same committee to whom was referred a bill to be entitled, An act to suppress the issuing or circulating of change bills, or any bank note under the denomination of five dollars, and for other purposes; reported said bill to the House, and asked to be discharged therefrom.—Which report was agreed to.

Also from the same committee to whom was referred a bill entitled, An act to repeal certain bank charters; reported said bill to the House, and asked to be discharged from its further consideration.—Which was agreed to.

Also from the same committee, made the following report:

General Report of the Committee on Banks.

Your Committee to whom was referred so much of the Governor's Message as relates to banks have had the same under consideration, and beg leave to report that they have examined the statements of the banks of the Territory, as far as returns have been made, and are happy to say that they all appear to be in a sound and healthy condition, and your committee most cordially unite with his Excellency in the opinion that "they are entitled to a high credit, and that they will be enabled to resume specie payments generally, as early as most of the institutions of the different states; that many of them have been managed with great ability, and but for the extraordinary events of the last twelve months, and the universal derangement of business throughout our country, they would have continued to redeem their notes with specie."

The causes of the late convulsion in the monetary affairs of this country, of England, and indeed of almost the whole world, which gave such a shock to commercial credit, as to produce in many portions of our country as well as elsewhere, almost universal bankruptcy, it is not the purpose, as it not the business of your committee to investigate; it is enough for your committee

to know, and they congratulate their fellow citizens upon the fact, that this wide-spread evil has not reached Florida, and that throughout the whole of our extensive Territory, not a single failure of a commercial house has taken place; this your committee believe is owing very much to the strong reliance which the commercial world reposes, in the ultimate value of the great staples of Florida, and the credit which that has given abroad to our banking institutions, by which their ability to accommodate their debtors in the Territory has been greatly increased, but mainly to that spirit of liberality which has been manifested by the banks towards their debtors at home, a spirit of liberality which induced those institutions, rather to suffer themselves than to press their debtors for payment, at so unpropitious and portentous a period. Had a different course been pursued by those institutions, most of our merchants who were engaged in the shipment of the great staples above alluded to, must have been involved in the general ruin, and the shock given to commercial credit in this Territory, would have been felt by all classes of the community, and by none more than the agriculturalists, whose interests are always so completely identified with that of the mercantile community, that no evil can befall the one which will not be severely felt by the other.

Your committee concur with the Governor, also in the opinion that banks are important institutions, and may be highly beneficial to our country, "but they should confine their issues within the limits of their power to redeem," and your committee believe that such would have been found to be the case with the banks in Florida, had not the most extraordinary and unforeseen events occurred, against which human prudence or human wisdom could not provide.

"It is by no means peculiar to banks, but on the contrary is a property common to all the inventions of man, for contrivances which are in the main, beneficial; to be now and then the occasion of mischief and confusion, and it is the part of wisdom not to abandon such as are generally useful, but to apply itself to the work of judicious improvement."

That the largest portion of our monied capital for commercial as well as banking purposes is obtained abroad, is a fact not to be concealed, and your committee would regard with great anxiety any proposition calculated to impair the credit of either our banks or our merchants in foreign parts, believing it would be the most certain means of preventing that capital, which is so much wanted, from flowing into the country, and

your committee cannot see how a shock can be given to the credit of the one without impairing that of the other also.

Credit is a fragile thing and during a state of pecuniary difficulty and alarm, a breath may disturb it—such a time is not favourable to judicious legislation upon any subject connected with it.

A prudent and skilful mariner during a period of storms and tempests will exert all his energies to navigate his vessel safely into port, and wait for fair weather in which to repair his ship, or otherwise improve her condition.

Your committee believe that the crisis is passing away, that the evils which came like an overflowing scourge upon the land, and threatened to overwhelm our merchants and our banks, is fast subsiding, and they look forward with pleasing anticipations to a prosperous future. Under this view of the matter your committee believe that no general legislation upon the subject of banks is at present necessary.

Whether any bank has or has not forfeited its charter by the mere suspension of specie payments, is not a question with your committee; if all had done so, as it was a measure forced upon them by circumstances over which they had no control, your committee believe that there would be found in a liberal and enlightened community, no disposition to enforce the penalty, "as it is not in the power of legislation to guard effectively against pecuniary vicissitudes, to attempt to prevent their occurrence by shutting up the banks, would add immensely to the burthens of all profitable industry, without the recompence proposed in security against reverses."

Your committee accord with the Governor in his views as to the propriety of equalizing as far as practicable, the taxes upon the banks of the Territory, and the same principle of equity seems to require that so far as regards the penalty provided for any suspension of specie payments past or future, that all should be placed upon an equal footing.

For a more particular view of the condition of the several banks which have reported, your committee beg leave to refer to a printed statement of the affairs of each, which is herewith submitted, as a part of this report.

THO. DOUGLAS, Chairman.

Which was read, concurred in, and 500 copies ordered to be printed.

[For Documents see Appendix.

Mr. Kenan, chairman of the committee on the militia, reported a bill entitled, An act to provide for the defence of the

frontier of Florida.—Which was read twice and copies ordered.

Mr. Gautier, from the committee on claims, to whom was referred the petition of Edward Faco, made the following report:

That they had examined the papers accompanying the petition, and cannot see by them what taxes the petitioner did pay at the time mentioned; they therefore beg to be discharged from its further consideration.

Which was read and agreed to.

Mr. Dozier, from the committee on enrolled bills, reported as correctly enrolled the following bills, viz:

An act in addition to an act (approved, January 30th, 1835,) entitled, An act to prevent any person, in this Territory, from carrying arms secretly.

An act to amend an act concerning Dower.

And a Preamble and Resolutions, requesting an appropriation of five thousand dollars, for the repairs of the Court House of Duval county.

An Engrossed Bill to be entitled, An act to authorise the counties of Gadsden, and Leon, to build a bridge across the Ocklocknee river, was recommitted to a select committee, composed by Messrs. Johnston, Kenan, and Wyatt.

The House went into committee of the whole on a bill entitled, An act further to amend the charter of the Southern Life Insurance and Trust Company,—after some time spent in its consideration, the committee rose, and Mr. Johnston, chairman therefrom, reported progress, and asked leave to sit again.

Which report was agreed to, and copies of said bill ordered.

An Engrossed Bill entitled, An act to incorporate the South-Joint Stock Company, for the establishment of certain manufactories, and other works, and the encouragement of labor in Florida.—Was read a third time and passed. Ordered that the title be as above written.

A bill entitled, An act for the relief of John M. Stafford, was read a second and third time, put upon its final passage. The Ayes and Nays were called for on this question by Messrs. Long, and Mills; and were Ayes—Messrs. Bell, Blount, Brockenbrough, Brown, Croskey, Douglas, Dozier, Drake, Fitzpatrick, Hart, Higginbotham, Levy, Mills, and Wyatt—13.

Nays—Mr. President, Messrs. Bannerman, Blackburn, Gautier, Gibson, Johnston, Kenan, Livingston, Long, Shaw and Vaughan—11. So said bill passed. Ordered that the title be amended so as to read as follows:

An act to divorce John M. and Susannah Stafford.

An Engrossed Bill entitled, An act to amend the several acts now in force in this Territory, respecting sale by Marshals was read a third time and put upon its final passage. Upon this question the Ayes and Nays were called for by Messrs. Long and Brown, and were Ayes Mr. President Messrs. Bannerman, Bell, Blackburn, Blount, Brockenbrough, Brown, Croskey, Douglas, Dozier, Drake, Fitzpatrick, Gautier, Gibson, Hart, Higginbotham, Johnston, Kenan, Levy, Livingston, Mills, Shaw, Vaughan, and Wyatt 23. Nays Mr. Long.

So said bill was passed. Ordered that the title be altered to read, "An act" to amend the several acts now in force concerning executions.

A bill entitled An act to amend the several acts regulating county courts in this Territory, was read a third time and passed. Ordered that the title be as above written.

An Engrossed Bill entitled, An act to incorporate the Tropical Plant Company of Florida, was read a third time and passed, Ordered that the title be as above.

An engrossed bill entitled, An act for the relief of Micajah Dean, was read a third time and passed. Ordered that the title be as above.

The resolution heretofore offered by Mr. Dozier requesting an appropriation for building the Court House of Jefferson County, was again read and adopted.

A bill entitled, An act to change the time of holding the county courts in the county of Jackson, was read a third time and passed. Ordered that the title be as above.

The House went into a committee of the whole on a bill entitled, An act to provide for the erection of a Court House and Jail in the Counties of Franklin and Calhoun, after some time the committee rose and Mr. Blount chairman thereof, reported progress and asked leave to sit again—Which was agreed to.

Mr. Bell (the rule being waived) offered a resolution requesting of Congress an appropriation of four thousand dollars, for building Court Houses in all several counties in this Territory

Which was read.

Mr. Dozier reported the following bills as correctly enrolled, viz,

An act to incorporate the Florida Rail Road and Steam Boat Company.

And a resolution requesting an appropriation of five thousand dollars for the opening and putting in repair the road laid out by James Watson and others from a point near the house of Peter W. Gautier sen. on St. Andrews Bay to Webbville.

An engrossed bill entitled, An act to charter and incorporate

the Trustees of the St. Andrews College in West Florida, was read a third time and passed. Ordered that the title be as above.

The House went in committee of the whole on a bill entitled An act to incorporate the Alachua Land Company after some time spent in its consideration, committee rose and Mr. Blackburn chairman thereof, report said bill amended, which was agreed to and said bill ordered to be engrossed.

A bill entitled, An act to authorise John Bryan, to establish a ferry across Holmes Creek, was read a third time and passed. Ordered that the title be as above.

A bill to be entitled, An act to authorise and empower the Territorial Treasurer to make and execute a lease for a term of years, of a portion of the university lands, was read a third time and lost.

His Excellency the Governor transmitted by his private Secretary Mr. Copeland, to the House the following Message.

EXECUTIVE OFFICE,
Tallahassee, February 6, 1838.

To the Legislative Council:

GENTLEMEN.—I hereby nominate the following Officers for the County of Monroe, Lewis F. Breckin Justice of the Peace, Joseph A. Thoren, and Peter L. Armstrong, Notaries Public.

William H. Shaw, Pardon C. Green, O. O'Hara, J. J. Fontane, J. J. Sands, and A. G. Tilt, Auctioneers.

R. K. CALL.
Governor of Florida.

Also the following:

EXECUTIVE OFFICE
Tallahassee 6th February, 1838.

To the Legislative Council:

GENTLEMEN.—I hereby nominate the following Officers for the County of Dade, Thomas Jefferson Smith, Judge of the County Court.

John DuBose and Thomas Jefferson Smith, Notaries Public, James A. Dutcher, and John DuBose, Justices of the Peace, and Henry Bemers Auctioneer, in aid for said county.

R. K. CALL.
Governor of Florida.

Also the following:

EXECUTIVE OFFICE
Tallahassee 5th February, 1838.

To the Legislative Council:

GENTLEMEN.—I hereby nominate Isaac Bush of Duval County a Justice of the Peace, in aid for said county.

R. K. CALL.
Governor of Florida.

Which were read and the nominations therein contained consented to and advised.

Mr. Levy offered the following Resolution, requesting the Governor to furnish the House, in addition to the correspondence with the Secretary of war, the correspondence with the paymaster Genl. was twice read and put upon its adoption, the yeas and nays were called for by Messrs. Bell and Livingston, and were yeas, Mr. President, Messrs. Bannerman, Blackburn, Blount, Brockenbrough, Brown, Crosby, Douglas, Dozier, Drake, Fitzpatrick, Gauntier, Higginbotham, Johnston, Levy, Long, Mills, Show, Vaughn, Wyatt, 20. nays Messrs. Bell, Gibson, Kenan, Livingston, 4, so said resolution was adopted.

The House then adjourned till 11 o'clock to-morrow.

WEDNESDAY, 7th February, 1838.

A quorum of the House met pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Long from the Committee on Internal Improvements to whom was referred a bill entitled, An act to change the corporate name and style of the Pond Creek and Black Water River Canal Company, and for other purposes; reported said bill without amendment.—Which report was concurred in, and said bill read a third time and passed. Ordered that the title be as above.

Mr. Blount from the Committee on the Judiciary, to whom was referred a bill entitled, An act for the relief of George W. Samory adjec; reported said bill to the House without amendment.—Which report was concurred in, and said bill was read a third time and passed. Ordered that the bill be as above.

Also from the same committee, to whom was referred a bill entitled, An act to give additional jurisdiction to the County Court of Franklin county, reported that it is inexpedient to pass said bill.—Which report was disagreed to, and said bill placed among the orders of the day.

Also from the same committee, to whom was referred a bill entitled, An act to authorise the attorneys of F. J. Avice, to convey the funds of the infant children of said Avice; reported said bill concurred.—Which report was agreed to, and said bill was read a second time, and ordered to be engrossed for a third reading to-morrow.

Also from the same committee to whom was referred a bill entitled, An act to establish and regulate Pilots and Pilotage at St. Johns bar in the Territory of Florida, reported said bill amended.—Which report was agreed to, and said bill read a

second and third time and passed. Ordered that the title be as above.

Also from the same committee, to whom was referred a bill entitled, An act respecting debts and demands against the estates of deceased persons, and suits against executors and administrators, and for other purposes; reported said bill without amendment.—Which report was concurred in, and ordered for to-morrow.

Also from the same committee, to whom was referred a bill entitled, An act to legalize certain proceedings in the Superior Courts of East Florida; reported said bill without amendment. Which report was agreed to and said bill read a third time and passed. Ordered that the title be as above written.

Also from the same committee, to whom was referred a bill entitled, An act concerning jurors in the Southern District of Florida, reported a substitute for said bill to wit: A bill to be entitled, An act to repeal an act concerning jurors in the Southern District.—Which report was agreed to, and said bill read and ordered to be engrossed for a third reading to-morrow.

Also from the same committee, to whom was referred a bill entitled, An act concerning rail roads; reported that it is inexpedient to pass said bill.—Which report was agreed to.

Also from the same committee, to whom was referred a bill entitled, An act to amend an act concerning judicial proceedings; reported said bill without amendment.—Which report was agreed to, and said bill was ordered for to-morrow.

Also from the same committee, to whom was referred a bill entitled, An act to authorise a sale of the lands of the infant children of William Bucknor; reported that it is inexpedient to pass said bill.—Which report was agreed to.

Also from the same committee, to whom was referred a bill entitled, An act making office copies of certain instruments evidence, and colored persons competent witnesses in certain cases; reported said bill to the House.—Which report was agreed to, and said bill ordered for to-morrow.

Also from the same committee, to whom was referred a bill entitled, An act to extend the jurisdiction of the Superior Court of Monroe county, to the county of Dade, and the jurisdiction of the county of Dade to that of Monroe; reported that it is inexpedient to pass said bill.—Which report was agreed to by the House.

On motion of Mr. Gautier, the vote taken on yesterday, on a bill entitled, An act to authorise and empower the Territorial Treasurer to make and execute a lease for a term of years, of a portion of the university lands; was reconsidered.

Mr. Dotier from the committee on enrolled bills, reported the following bills as correctly enrolled, viz:

An act to divorce John M. Stafford and Sarah A. Stafford.

An act to authorise John Bryan to establish a Ferry across Holmes' Creek.

An act to amend the several acts now in force, concerning executions.

An act to charter and incorporate the Trustees of the St. Andrews College in West Florida.

An act to change the time of holding the County Court of Jackson county.

An act for the relief of Micajah Doss.

A preamble and resolution requesting the brevet rank of a Major to be conferred on Captain Daniel D. Tompkins, of the 1st regiment of artillery, for his meritorious conduct in defence of Florida.—Which were severally signed by the President and Chief Clerk.

Mr. Brown from the Select Committee, to whom was referred a bill entitled, An act to authorise Douglas Vass and other proprietors of Mineral Spring, in Columbia county, to build a bridge across the Suwannee river at said Spring—reported said bill amended.—Which report was agreed to, and said bill read a second and third time and passed. Ordered that the title be as above written.

Mr. Long moved that all the bills relating to internal improvement be laid on the table. The Ayes and Nays were called for on this motion by Messrs. Brown and Long, and were, Ayes, Messrs. Bell, Brockenbrough, Gibson, Higginbotham, Levy, Long, and Shaw—7.

Nays—Mr. President, Messrs. Bannerman, Blackburn, Blount, Brown, Crook, Douglas, Dotier, Drake, Fitzpatrick, Gautier, Harry, Johnston, Kenau, Livingston, Mills, Vaughan, and Wyatt—18. So said motion failed.

The House then went into committee of the whole on several bills relating to internal improvements. After some time the committee rose, and Mr. Long chairman therefrom, reported progress, and asked leave to sit again.—Which report was agreed to.

Mr. Dotier from the committee on enrolled bills reported as correctly enrolled the following bills, viz:

An act to amend the several acts regulating county courts in this Territory.

A Preamble and Resolution requesting an appropriation of four thousand dollars for completing the building of the Court House of Jefferson county.

An act to incorporate the Tropical Plant Company of Florida.

A bill entitled, "An act to create a fund for the education of poor children in the County of Monroe," was read a third time and put upon its final passage, the ayes and nays were called for on this question by Messrs. Fitzpatrick, and Brown, and were ayes, Messrs. Blackburn, Blount, Brockenbrough, Crosskey, Douglas, Gantier, Gibson, Higginbotham, Shaw, and Wyatt, 10, nays Mr. President, Messrs. Bonnerman, Holt Brown, Dozier, Drake, Fitzpatrick, Hart, Johnston, Johnson, Levy, Livingston and Van Zandt 13. So suddenly lost.

The House went into committee of the whole on a bill entitled, An act to repeal An act to amend An act to incorporate the stockholders of the Union Bank of Florida, so far as it relates to the establishment of a Branch in Marianna, after some time spent in its consideration the committee rose and Mr. Brockenbrough Chairman therefrom, reported said bill to the House amended, which report was agreed to, and said bill ordered to be engrossed for a third reading on to-morrow.

The House went into committee of the whole on a bill entitled An act further to amend the charter of the southern Life Insurance and Trust Company, after some time spent in its consideration the committee rose and Mr. Johnston Chairman therefrom, reported said bill to the House with amendments, which report was concurred in, and said bill ordered to be engrossed for a third reading on to-morrow.

His Excellency the Governor transmitted to the House the following Messages viz.

EXECUTIVE OFFICE,
Tallahassee 7th February, 1838.

To the Legislative Council:

GENTLEMEN.—I hereby nominate for the County of St. Johns, the following Officers: E. B. Gould, Judge of the county court.

James M. Gould, John C. Cleland, John L. Phillips, and William G. Davis, Justices of the Peace.

James M. Gould, and John L. Phillips, Notaries Public.

John L. Phillips, Theodore Elouard, Francisco Sanchez, and Joshua Joyner, Auctioneers.

R. K. CALL,
Governor of Florida.

EXECUTIVE OFFICE,
Tallahassee 7th February, 1838.

To the Legislative Council:

GENTLEMEN.—I hereby nominate William C. Lester, James

Rosine, Banks, Merchant, J. Armstrong, Martin M. Catwell, Stucky Scottby, David M. Henson, J. Shaw Johnston, and Joseph McGehee, Justices of the Peace, to act for the county of Gadsden. I also nominate William Monroe, and James M. Nixon, Auctioneers in and for said county.

R. K. CALL,

Governor of Florida.

EXECUTIVE OFFICE,

Tallahassee 7th February, 1838.

To the Legislative Council:

GENTLEMEN.—I hereby nominate the following Officers for the county of Escambia.

Hanson Kelly, William H. Taylor, Joseph E. Caro, and Elijah Gaynor, Justices of the Peace.

Joseph Quiggle, Jesse Prichard, James M. Sweet, Henry J. Wiggins, and Henry J. Ingraham, Auctioneers.

I also nominate six port wardens for the City of Pensacola, Hanson Kelly, John Campbell, Henry Mitchell, John B. Foster, and Charles Le Baron.

R. K. CALL,

Governor of Florida.

Which were read and the nominations therein contained concurred in and advised.

Mr. Dozier from the committee on enrolled bills, reported the following as correctly enrolled.

An act to incorporate the Southern Joint Stock Company for the establishment of certain insurance policies and other works and the encouragement of labor in Florida.

The House then adjourned till 11 o'clock to-morrow.

THURSDAY, February 8th, 1838.

A quorum of the House not pursuant to adjournment, and the Journal of yesterday's proceedings was read.

Mr. Wyatt moved that a bill to be entitled, An act providing for the sale of certain quarter sections of land granted by Congress to the Territory of Florida, for the erection of public buildings in the city of Tallahassee, and

A bill to be entitled, An act giving a lien to mechanics and master builders, and to repeal certain other acts relating to the same subject, be taken from the table and placed among the orders for to-morrow.—Which motion prevailed.

On motion of Mr. Drake, the memorial of J. A. L. Norman, a bill entitled, An act to carry into effect a general system of education in the Territory of Florida, by the educating

schoolmasters, and a bill entitled, an act to incorporate the Dade Institute of Florida, were placed among the orders for to-morrow.

On motion of Mr. Brockenbrough, the several bills on the subject of internal improvement, were placed first among the orders for to-day.

Mr. Fitzpatrick offered a resolution to request of Congress an appropriation to open a road from Tallahassee, to the terminus of the St. Joseph and Iola Rail Road on the Apalachicola river.—Which was read.

Mr. Dozier from the Select Committee, to whom was referred a bill entitled, An act to authorise John Bellamy to render the Ocilla river navigable; reported said bill to the House amended. Which report was agreed to, and said bill read a second and third time and passed. Ordered that the title be as above written.

The House went into committee of the whole on the several bills relating to internal improvement. After some time spent in consideration of said bills, the committee rose, and Mr. Long chairman therefrom, reported that the committee have adopted a bill entitled, An act to authorise the Union Bank of Florida, to construct a rail road to connect the waters of the Atlantic Ocean, with the waters of the Gulf of Mexico.—Which report was concurred in by the House, and said bill ordered for a second reading on to-morrow.

His Excellency the Governor transmitted to the House, by his private Secretary Mr. Copeland, the following communication:

EXECUTIVE OFFICE,

Tallahassee, February 8th, 1838.

To the Legislative Council:

GENTLEMEN:—In complying with the request of the Legislative Council, contained in a resolution passed on the 3d inst. I herewith enclose you extracts from my correspondence with Gen. Jesup, relative to calling out troops in Middle and West Florida. I have been compelled to furnish extracts only, because almost every letter from which they are taken, contain matter on other subjects unconnected with the service of the volunteers and militia. I enclose you also copies of the reports of the Paymaster General, made to the Secretary of War, on the 12th October, and 28th December, which are the only documents of that character in the possession of the Executive.

R. K. CALL,
Gov. of Florida.

Which was read, and with the accompanying documents laid on the table.

Also the following:

EXECUTIVE OFFICE,
Tallahassee, February 8th, 1838.

To the Legislative Council:

Gentlemen:—I hereby nominate the following officers for the county of Jackson: Richard H. Long, Judge of the County Court.

William Samburg, Briton Mayo, Samuel Jackson, and J. H. Parker, Justices of the Peace.

I also nominate Allen H. Bush, for the office of Notary Public, in and for said county. R. K. CALL,

Gov. of Florida.

EXECUTIVE OFFICE,
Tallahassee, February 8th, 1838.

To the Legislative Council:

Gentlemen:—I hereby nominate William M. Read and Solomon Hall, Justices of the Peace for Hamilton county.

R. K. CALL,
Gov. of Florida.

EXECUTIVE OFFICE,
Tallahassee, 8th February, 1838.

To the Legislative Council:

Gentlemen:—I hereby nominate the following officers for the county of Duval: John L. Doggett, Judge of the County Court. Thomas Ledworth, Justice of the Peace. Hardy H. Philips, Notary Public. Thomas Ledworth, Auctioneer.

R. K. CALL, Gov. of Florida.

Which were read and the nominations therein contained, consented to and advised.

Mr. Fitzpatrick moved that a bill entitled, An act to raise a revenue for the Territory of Florida, be taken from the table and made the special order of the day for to-morrow.—Which motion prevailed.

Mr. Dozier from the committee on enrolled bills, reported, as correctly enrolled, the following bills, viz:

An act for the relief of George W. Somaryndick.

An act to establish and regulate Pilots and Pilotage at St. Johns bar, in the Territory of Florida.

An act to change the corporate name and style of the Pond Creek and Black Water River Canal Company, and for other purposes.

An act to authorise Douglas Vass and others, proprietors of the Mineral Spring in Columbia county, to build a bridge across the Suwannee river at said Spring—and

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An act to legalize certain proceedings in the Superior Court of East Florida.

The House then adjourned until to-morrow morning 10 o'clock.

FRIDAY, February 9th, 1838.

A quorum of the House met pursuant to adjournment and the Journal of yesterdays proceedings was read.

Mr. Shaw offered a Resolution to appoint a select committee to enquire into the condition of the banks, with power to send for persons and papers.

Mr. Hart offered a resolution requesting of Congress a pension for Mrs. Jane Johns, which was read.

Mr. Dozier from the committee on enrolled bills reported as correctly enrolled the following viz.

An act to authorise John Bellane, to render the Oscilla River navigable.

And a Preamble and Resolution, requesting the rank of brevet to be conferred on Capt. G. S. Drane of the U. S. Army for his meritorious services, in defence of Florida.

Mr. Blount from the committee on the Judiciary to whom was referred the petition of B. G. Thornton reported a bill entitled An act for the relief of B. G. Thornton.

Mr. Gautier, from the committee on claims to whom was referred the petition of J. J. Sands reported a bill for the relief of J. J. Sands. Which was twice read and ordered to be engrossed for a third reading to-morrow.

Mr. Levy from a select committee, reported the following bills, An act to amend An act entitled "An act to incorporate the City of St. Augustine and to repeal the act entitled An act to incorporate the City of St. Augustine approved 4th February 1833, which was read and ordered for a second reading on to-morrow.

Also a Preamble and Resolutions requesting our appropriation of Congress to mark by buoys the harbor of St. Augustine. Which was read.

Also a bill entitled An act concerning wrecks, and wrecked goods in the Eastern District of Florida, which was twice read, laid on the table and printed copies ordered.

The House went into committee of the whole, on the bill providing for the payment of the militia. After some time the committee rose and Mr. Blackburn Chairman therefrom, reported said bill amended: which report was agreed to, said bill read a second and third time and passed.

The title was then amended to read as follows, An act for the relief of the Florida Troops during the Indian War.

The House went into committee of the whole on a bill entitled An act to raise a revenue for the Territory of Florida: after some time spent in its consideration the committee rose and Mr. Croskey Chairman therefrom, reported the said bill to the House with all but the enacting clause stricken out, which report agreed to.

His Excellency transmitted to the House by his private Secretary Mr. Copeland the following communication.

Executive Office,
Tallahassee 9th February, 1838.

To the Legislative Council:

Gentlemen.—I have approved and deposited in the Office, of the Secretary of the Territory, the following Acts and resolutions

An act for the relief of George W. Somaryndick.

An act to legalize certain proceedings in the Superior Courts of East Florida.

An act to change the corporate name and style of the Pond Creek and Black Water River, Canal Company.

An act to establish and regulate Pilots, and Pilotage at St. Johns Bar in the Territory of Florida.

An act to authorize Douglas Vass, and others proprietors of the Mineral Springs in Columbia County to build a bridge across the Suwannee River at said Springs.

An act to incorporate the Tropical Plant Company of Florida.

An act to charter and to incorporate the Trustees of the St. Andrews College in West Florida.

An act for the relief of Meenah Dean.

An act to authorize John Bryan to establish a ferry across Holmes Creek.

An act to amend the several acts now in force concerning executors.

An act to change the time of holding the county court of Jackson County.

An act to amend an act concerning Dower.

An act to amend the several acts regulating county courts in this Territory.

An act to incorporate the Southern Joint Stock Company for the establishment of certain manufactures and other works, and the encouragement of labor in Florida.

An act to incorporate the Florida Peninsula Rail Road and Steamboat Company.

A Resolution requesting our Delegate in Congress to en-

endeavor to procure an appropriation of five thousand dollars to repair the Court House of Duval County.

A Resolution requesting the Delegate in Congress to endeavor to procure an appropriation of five thousand dollars, for the opening and repair of a certain road in West Florida.

A Resolution with regard to the meritorious services of Capt. Daniel D. Tompkins of the 1st. Regt. of U. States Artillery.

A Resolution requesting our Delegate in Congress to endeavor to procure an appropriation of four Thousand dollars for the purpose of completing the Court House in Jefferson County.

R. K. CALL,
Governor of Florida.

Which was read.

An engrossed bill entitled An act supplemental to the several acts incorporating the Bank of Pensacola, was read a third time.

Mr. Levy moved in the House the following additional section: "That the charter of said bank shall be subject to such general laws concerning corporations as may be from time to time enacted," upon that motion the ayes and nays were called for by Messrs. Gautier and Levy and were ayes Messrs. Bell, Blackburn, Brockenbrough, Gibson, Higginbotham, Levy, and Shaw, 7 Nays Mr. President, Messrs. Bannerman, Blount, Brown, Croskey, Douglas, Dozier, Drake, Fitzpatrick, Gautier, Johnston, Kenan, Livingston, Mills, Vaughan, and Wyatt, 16. so said motion was lost: said bill was then passed, the title as above.

A bill entitled An act to incorporate the Alachua Land Company, was read a third time and passed, title as above.

The House went into committee of the whole on a bill entitled An act to incorporate the Florida Rail Road and Canal Company, after some time spent in its consideration the Committee rose and Mr. Gautier Chairman therefrom, reported the bill to the House amended, which report was agreed to.

A bill entitled An act to incorporate the St. Marys Rail Road Company was laid on the table till to-morrow.

The House went into committee of the whole on a bill entitled An act concerning banks, after some time spent in consideration of said bill the committee rose and Mr. Douglas Chairman therefrom, reported said bill to the House with all but the enacting clause stricken out. Upon the question of concerning with committee in their report, the ayes and nays were called for by Messrs. Levy, and Brown and were ayes Mr. President, Messrs. Bannerman, Blount, Brockenbrough, Croskey, Douglas, Dozier, Drake, Fitzpatrick, Gautier, Hart, Higgin-

botham, Johnston, Kenan, Livingston, Vaughan, and Wyatt 17. Nays Messrs. Bell, Blackburn, Brown, Gibson, Levy, Long, and Shaw 7. So said report was agreed to.

Mr. Gautier then moved that a bill entitled An act to amend an act to incorporate the Farmers Bank of Florida, be inserted after the said enacted clause: which motion was voted, and said bill was read a second and third time and passed.

The House went into committee of the whole on a bill entitled An act to amend the charter of the Union Bank of Florida. After some time spent in its consideration the committee rose and Mr. Brockenbrough Chairman therefrom, reported said bill to the House with all after the enacting clause stricken out, the yeas and nays were called for on the question of concurring in the report of the committee by Messrs. Wyatt and Croskey, & were yeas Mr. President, Messrs. Bannerman, Bell, Blackburn, Brockenbrough, Douglas, Dozier, Drake, Gautier, Gibson, Hart, Higginbotham, Johnston, Kenan, Levy, Livingston, Long, Mills, Shaw, and Vaughan, 20. Nays Messrs. Blount, Croskey, Fitzpatrick and Wyatt 4. So said report was concurred in.

On motion of Mr. Gautier a bill entitled An act to prevent any foreign banking or other corporations or companies from exercising corporate privileges in this Territory, was indefinitely postponed.

Mr. Blackburn, moved that a bill entitled An act to amend an act to call a convention for the purpose of organizing a State Government be indefinitely postponed, the ayes and nays were called for on this question by Messrs. Brown, and Mills, and were yeas Messrs. Blount, Brown, Croskey, Dozier, Fitzpatrick, Gautier, Hart, Levy, Long, Mills, and Vaughan 11. nays Mr. President, Messrs. Bannerman, Bell, Blackburn, Brockenbrough, Douglas, Drake, Gibson, Higginbotham, Johnson, Kenan, Livingston, Shaw, Wyatt 14. So said motion was lost; the House then went into committee of the whole on said bill and after some time spent in its consideration the committee rose, Mr. Johnson Chairman thereof, reported said bill amended, the ayes and nays were called by Messrs. Wyatt and Gautier, concurring in the report of the committee and were yeas Messrs. Bell, Blount, Brown, Croskey, Drake, Fitzpatrick, Gautier, Long, Mills, and Vaughan 10. Nays Mr. President, Messrs. Bannerman, Blackburn, Brockenbrough, Douglas Dozier, Gibson, Hart, Higginbotham Johnston, Kenan, Levy Livingston, Shaw, and Wyatt, 15. So said report was not agreed to.

A bill to be entitled An act to amend an act entitled an act to incorporate the Southern College at St. Augustine approved 11th February, 1837, was laid over till to-morrow.

The bill to be entitled An act to amend An act incorporating the East and South Florida Canal Company, was laid over till to-morrow.

The House then adjourned till to-morrow 10 o'clock.

SATURDAY, February 10th, 1838.

The House met pursuant to adjournment and the Journal of yesterday's proceedings were read.

Mr. Wyatt offered a resolution requesting of Congress a grant of land for internal improvement.

Mr. Gibson offered a resolution to request of Congress an appropriation for fortifying the port of St. Joseph.

Mr. Mills offered a resolution for issuing provisions to the suffering inhabitants of East Florida.—Which was twice read and adopted.

Mr. Wyatt from the committee on the state of the Territory made a report on the subject of the Spanish grants referred to in the Message of the Governor, which was read.

Messrs. Drake and Mills dissent and protest, as members of said committee, against said report, and asked leave to have the same entered of record.—Which motion was granted.

Mr. Long then moved that the report be recommitted to the committee on the state of the Territory. Upon which motion the Ayes and Nays were called for by Messrs. Wyatt and Long, and were, Ayes—Mr. President, Messrs. Blount, Brockenbrough, Croskey, Douglas, Dozier, Drake, Gibson, Hart, Higginbotham, Kenan, Levy, Livingston, Long, Mills, Shaw and Vaughan,—17.

Nays—Messrs. Bannerman, Bell, Blackburn, Brown, Fitzpatrick, Gautier, Johnston and Wyatt—7. So said motion prevailed.

His Excellency the Governor transmitted to the House the following message:

EXECUTIVE OFFICE,
Tallahassee 10th Feby, 1838. }

To the Legislative Council:

GENTLEMEN.—I enclose you herewith the annual report of the Farmers Bank of Florida, exhibiting the condition of that Institution on the 31st day of Dec. 1837.

R. K. CALL,
Governor of Florida.

Which was read and referred to the Committee on Banks.
Also the following.

EXECUTIVE OFFICE.

Tallahassee 10th Feby, 1838.

To the Legislative Council:

Gentlemen.—I hereby nominate the following Officers for the County of Alachua.

Francis R. Sanchez, Judge of the County Court.

Henry Horn, Warren Hayville, Michael Garrison, Asa Clark, John Sparkman, Samuel H. Fitzpatrick, George F. Armslead, and Alexander G. Sanchez, Justices of the Peace.

R. K. CALL,

Governor of Florida.

Which were laid on the table.

Mr. Dozier, from the committee on enrolled bills, report the following bills as correctly enrolled, viz.

An act supplemental to the several acts incorporating the bank of Pensacola.

An act to incorporate the Alachua Land Company.

An act for the relief of the Florida Troops, during the Indian War.

An act to amend an act to incorporate the Farmers Bank of Florida.

Mr. Wyatt from the committee on the state of the Territory, to whom was referred the bill entitled an act to incorporate the Protestant Episcopal Church in the Diocese of Florida, reported said bill without amendment, which report was agreed to, and said bill was read a third time and passed.

Also from the same committee the same report on a bill entitled an act to authorise Abraham Milled to establish a Toll Bridge across the Big Escambia, which report was agreed to and said bill read a third time and passed.

Mr. Wyatt, again reported the report of this morning (which was recommitted to the committee) without amendment, the question then was, "shall the report be received?" upon this question the ayes and nays were called for by Messrs. Wyatt and Mills, and were ayes Messrs. Bell, Blackburn, Douglas, Dozier, Fitzpatrick, Kenan, and Wyatt 7. Nays Mr. President, Messrs. Blount, Brockenbrough, Croskey, Gibson, Hart, Higginbotham Levy, Long, and Vaughan 11. So said report was rejected.

Mr. Blount, from the committee of the Judiciary to whom referred a bill entitled An act to amend the act incorporating the Roman Catholic Congregation of Pensacola reported said bill to the House without amendment, which report was agreed to and said bill read a third time and passed.

Mr. Levy, from a select committee reported a bill entitled An act concerning Free Negroes, without amendment; which report was agreed to.

The House went into committee of the whole on a bill entitled An act to incorporate the Dade Institute of Florida, An act to carry into effect a general system of education in the Territory of Florida by the educating School masters, and a Resolution requesting of Congress an appropriation for founding the Dade Institute; after some time spent in consideration of these bills the Committee rose and reported them unamended, which report was agreed to, and said bills were read a second and third times and put upon their passage severally; the ayes and nays were called for on this question by Messrs. Mills and Fitzpatrick, and were ayes Messrs. Bannerman, Bell, Blackburn, Douglas, Dozier, Drake, Fitzpatrick, Gautier, Hart, Higginbotham, Johnston, Kenau, Levy, Livingston, Mills, Shaw, Vaughan, and Wyatt, 18. Nays Mr. President, Messrs. Blount, Brockenbrough, Croskey, Gibson and Long 6. So said bills were passed, title as before.

The aforesaid resolution was then put upon its passage, the Ayes and Nays were called for on this question by Messrs. Brockenbrough, and Hart, and were Ayes Messrs. Bannerman, Bell, Blackburn, Croskey, Douglas, Dozier, Drake, Fitzpatrick, Gautier, Gibson, Hart, Higginbotham, Johnston, Kenau, Levy, Livingston, Mills, Shaw, Vaughan and Wyatt, 20. Nays Mr. President Messrs. Blount, Brockenbrough, and Long 4. So said resolution was adopted.

Dr. Gautier, from the minority of the select committee to whom was referred the Alabama Resolutions made the following report.

The select committee to whom was referred the resolution of the Legislature of the State of Alabama concerning the annexation of West Florida to that State.

And the Further Resolution of this Legislative Council directing the committee to examine and report by what authority the States of Alabama, Mississippi and Louisiana retain that part of Florida, lying South of the 31st. degree of North Latitude and between the Mississippi and lake Ponchartrain and perdiado river; beg leave to submit the following report, that they regard the present application to the Congress of the United States for the annexation of West Florida to the State of Alabama as an extraordinary ill-timed and injudicious movement. But believing that the Legislature of Alabama, have been led to this action by an erroneous impression, that the people of West Florida were favourably inclined to the cession as proposed, and that the subject matter would not be pressed upon Congress without their concurrence, your committee content themselves with a denial to this supposed assent, on the part of the people

of Florida. Under the provisions of the treaty at which Florida was ceded by Spain, the integrity of its Territory, was secured by an article providing for our incorporation into the Union as soon as it might be done consistently with the constitution of the United States. It was no doubt contemplated at the time by the contracting parties that Florida ultimately and as soon as it might be lawfully done, should be admitted into the Union as a State. The intention and effect of the article in the treaty can be easily defeated, if the right of an adjoining state to claim, or of the United States to cede away any portion of our domain, is for a moment admitted. Treaties are the paramount law of the land, and a demand by the people of Florida for a strict observance of the stipulations of the treaty of 1819, must preclude all idea of the dismemberment of our Territory.

Alabama has unconcernedly stood by and permitted the people West Florida, to contend with the weaknesses and privations incident to a new Country, and now when we have grown into a vigorous youth and are about to assume the bearing, and the rights of manhood, she generously steps forward to throw over us the mantle of her protection. Florida is now able to take care of herself, and the recent action of this legislative Council, predicated on the ascertained will of the people, calling a convention for the organization of a State Government, is a guide to your committee in the utterance of an opinion, that the proposed cession of a portion of our Territory is impolitic opposed by the people, and calculated to defer to an indefinite period our admission into the Union..

The consideration of the resolution concerning the boundary lines of West Florida has led your committee into an examination of the several treaties relating to the various transfers of Florida, between foreign powers and its final acquisition by the United States. It is due however to say that this investigation has been partially made, owing to the limited time allowed and the difficulty of procuring the documents necessary to a proper understanding of this subject, they now however, feel satisfied with their labors, if the result of their enquiries shall lead to a more perfect ascertainment of our claims, and their rightful enforcement by future legislation.

The committee find upon reference to the earliest records connected with this subject, that France claims by discovery all that tract of country lying between the Perdido and Colorado continued in possession thereof until 1762, when that portion of Territory between the Mississippi and Perdido Rivers, was ceded to Great Britain and the Country West of the Mississippi including the Island of Orleans to Spain. While under the

sovereignty of Great Britain the province of West Florida, was bounded to the southward by the Gulf of Mexico, including all Islands within six leagues of the coast from the river Apalachicola to Lake Pontchartrain; to the Westward by the said Lake, the Lake Maurepas, and the river Mississippi, to the Northward by a line drawn due east from that part of the river Mississippi which lies in thirty one degrees North Latitude to the river Apalachicola or Chattahoochee, and to the eastward by said river. Great Britain continued in possession of the province until 1783, in which year both East and West Florida came under the dominion of Spain. The latter power at and after this period, exercised a provincial government over West Florida, disengaged with her jurisdiction over Louisiana. At the treaty of St Ildefonso subsequently made, Spain retroceded to France the province of Louisiana *with the same extent that it now has in the hands of Spain*, and that it had when France possessed it, *and such as it should be after the treaties subsequently entered into between Spain and other states.*

In this cession was intended and included the Island of Orleans, and the country West of the Mississippi a delivery of which was made by the Spanish to the French commissioners. In 1803 the French Gov't sold to the United States all her right and title to Louisiana as acquired under the treaty with Spain. No delivery of the Country East of the Mississippi was made by the Spanish to the French authorities, on the contrary Spain retained her undisturbed jurisdiction over it, until 1819, when the Patriots forcibly took Baton Rouge and the adjoining district and were in turn displaced by the American forces.

The possession of that part of the province contiguous to Mobile was acquired by the Patriots in like manner in 1813, and from them by the United States Government. Spain never surrendered her right or claim to this Territory until 1819, when its sovereignty was transferred to the United States, from the foregoing exhibit, it will be seen that the United States Government hold the Country East of the Mississippi and below the 31st degree of North Latitude, either under the cession of Louisiana from France, or by conquest from the Patriots. A reference to the treaty of Ildefonso, explain and made to harmonise in its apparently contradictory terms, by the fact that the ceded Territory was formally delivered over by commissioners, but that possession of West Florida was retained by Spain, conclusively shows that France had no right to sell to this government any Territory East of the Mississippi. The right of France to do so was never recognized by Spain, and was negatived, by a peaceable counter possession of the disputed Terri-

tory, a possession clearly acknowledged as valid by our government. How then can we claim under France a right to the soil, which she had no power to convey any authority to hold the Territory referred to, obtained by the United States from the Patriots is equally void, their independence as a people has never been acknowledged by one or the Spanish Government. They had no legal or natural existence, no right to sell or surrender the country to this or any other Government. The United States passed claim it by conquest for Spain as the two nations have never been involved in War. The possession of the country by this Government from 1810 to 1819, is no evidence of its title, that possession was maintained not by colour of right but through the indolence of Spain.

The sovereignty of the United States not being complete until 1819, all previous transfers or surrenders of the disputed Territory to any of the states of this Union were made at the time without authority, and under the terms of the treaty securing our political existence, no subsequent ratification by the general government dispossessing the people of Florida of their Territory or dominion can be made without their consent.

The views of the committee are fully sustained by the treaty of 1819, and the subsequent act of the Congress establishing a Territorial Government in Florida. By the 2nd article of this treaty his Catholic Majesty cedes to the United States in full property, and sovereignty all the Territories which belong to him situated to the Eastward of the Mississippi known by the name of East and West Florida. Is not this a virtual recognition of the previous sovereignty of Spain to the country East of the Mississippi and within the boundaries claimed by her. Had the *Perdido* as is contained, been the Western boundary of Florida would it not so have been expressed in the treaty, was it consistent with the lofty pretensions of the United States to have accepted from Spain the cession of any Territory to which she was not entitled, and to which this Government had a rightful claim. As an evidence of the fact that Spain had never conveyed to France, or considered herself dispossessed of the little to Florida, West of the *Perdido*, it is only necessary to refer to the grant made by the King in 1818 to Don Pedro, De Vargas, however fraudulent may have been this grant, with reference to the pending negotiation between the two Governments, it clearly shows that Spain up to that period, considered her right to the soil as indisputable.

The act of the Congress of the United States organizing a Territorial Government, and carrying out the objects of the treaty provides that *all* the Territories ceded by Spain to the Uni-

ted States known by the name of East and West Florida, shall constitute a Territory &c. This act, taken in connection with the treaty, shows the intention of Congress, that all the Territory thus acquired should be united under one jurisdiction. In every point of view in which this subject may be examined the right of the people of Florida to the country East of the Mississippi and below the 31st degree of Latitude is supported by reason, justice, and the laws of the land. As citizens of a common country contending not in behalf of Spain, but in support of the constitutional rights of citizens of the United States, may we not anticipate a deliberate and respectful examination of our claim, and a consequent restoration of our people and property.

Your Committee therefore confident in the opinion that the proposed cession of West Florida, to the State of Alabama is inexpedient and contrary to the wishes of our people and that the Territory with the boundaries referred to, does, and of right belong to Florida, recommend as follows:

Be it resolved that the people of Florida protest against any action by the general government proposing a surrender of their Territory to the State of Alabama.

Be it resolved that the Northern Boundary of West Florida as ceded by Spain to the United States, embraces all that portion of country East of the Mississippi and below the 31st degree North Latitude to the Chattahoochee river, and that any cession of the Territory within said limits by the United States, to any member of this confederacy, is violative of the rights secured to the people of Florida under the treaty of 1819.

Be it further resolved that a copy of this report and resolutions be forwarded to the President of the United States, to the Delegate from Florida in the Congress of the U. S. and to the Governor and Legislature of the State of Alabama.

PETER W. GAUTIER Jr.
R. FITZ PATRICK.
W. WYATT.

Which was read.

Mr. Gautier from the committee on claims to whom was referred the petition of Thos. Eastin, late Marshal of the Southern Judicial District, asking for compensation for certain expenses incurred by him as Marshal aforesaid, reported that the vouchers and documents referred to by said Petitioner as on file in the Legislative archives could not be found by said committee; wherefore they asked leave to be discharged from the further consideration of said petition: which report was agreed to.

His Excellency the Governor transmitted to the House the following communication.

EXECUTIVE OFFICE,
Tallahassee 10th February, 1838.

To the Legislative Council:

GENTLEMEN.—I hereby nominate the following Officers for the County of Hillsborough, Robert Jackson, and C. E. Cooper Justices of the Peace, and Robert Jackson Notary Public, in and for said County.

R. K. CALI.,
Gov. of Florida.

Which was laid on the table.

A resolution heretofore offered by Mr. Long, respecting the final adjournment of the House was again read and lost.

An act to change the terms of the Superior Courts of the Middle District of Florida was indefinitely postponed.

A bill entitled, An act to authorise the St. Andrews and Chipola Canal and Rail Road Company, to establish the books of record of the company, and all other papers lost by said company by fire, was read a third time and passed; title as read.

A bill entitled, An act to repeal certain bank charters, was indefinitely postponed. Mr. Levy moved that the following be adopted as a substitute: "That the non-user for a period of one year, of any bank charter granted in this Territory, be held and taken to operate a forfeiture of the same."—Which did not prevail.

A bill entitled, An act to incorporate the Florida Steam Packet Association.—Was read a third time and put upon its final passage. The Ayes and Nays were called for on this question by Messrs. Shaw and Gautier, and were, Ayes, Mr. President, Messrs. Bannerman, Blount, Brockenbrough, Croskey, Douglas, Dozier, Drake, Fitzpatrick, Gautier, Hart, Higginbotham, Johnston, Kenan, Levy, Livingston, Long, Mills, Vaughan, and Wyatt.—20.

Nays, Messrs. Blackburn, Shaw.—2. So said bill passed. Title as above.

The House went into committee of the whole on a bill entitled, An act to suppress the issuing or circulating of change bills or any bank note, under the denomination of five dollars, and for other purposes; after some time the committee rose, and Mr. Hart chairman thereof, reported said bill amended.—Which was concurred in, and said bill ordered to be engrossed.

Mr. Levy offered the following amendment to said bill, viz:

"That no banking institution in this Territory, shall purchase or hold the stock of any other bank or other corporation. Provided, That nothing herein contained, shall prevent a bank from being secured upon stock for any debt due the same;"

upon which the Yeas and nays were called for by Messrs. Levy and Wyatt, and were, Yeas, Messrs. Bell, Blackburn, Brockenbrough, Brown, Douglas, Gibson, Higginbotham, Levy, Long, Shaw,—10.

Nays, Mr. President, Messrs. Bannerman, Blount, Croskey, Dozier, Drake, Fitzpatrick, Gautier, Hart, Johnston, Kenan, Livingston, Mills, Vaughan, Wyatt—15. So said amendment was lost.

A bill entitled, An act to provide for the erection of a court house and jail in the counties of Franklin and Calhoun.—Was read a third time and passed. Ordered that the title be as above.

A resolution before offered by Mr. Bell, requesting an appropriation for building court houses in all the counties in this Territory; was again read, and the Ayes and Nays were called for on its adoption by Messrs. Bell and Shaw, and were, Ayes, Messrs. Bell, Blount, Brown, Croskey, Douglas, Gibson, Higginbotham, Shaw, Vaughan and Wyatt 10.

Nays, Mr. President, Messrs. Bannerman, Blackburn, Brockenbrough, Dozier, Fitzpatrick, Gautier, Hart, Johnston, Kenan, Levy, Livingston, Long, Mills,—14. So said resolution was lost.

The House then adjourned until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

A quorum of the House met at 4 o'clock, P. M., and proceeded to business.

A bill entitled, An act to exempt certain inhabitants of this Territory from taxation; was read a third time and put upon its passage. The Ayes and Nays were called for on this question by Messrs. Douglas and Croskey, and were, Ayes Mr. President, Messrs. Bannerman, Bell, Blackburn, Blount, Brockenbrough, Brown, Croskey, Douglas, Dozier, Drake, Fitzpatrick, Gautier, Gibson, Hart, Higginbotham, Johnston, Levy, Livingston, Long, Shaw and Vaughan—22.

Nays, Mr. Wyatt,—1. So said bill passed, title as read.

A resolution heretofore offered by Mr. Levy, concerning the sea wall at St. Augustine.—Was read the second time and adopted.

The House went into committee of the whole, on a bill entitled, An act to give additional jurisdiction to the County Court of Franklin. After some time the committee rose, and Mr. Blackburn chairman therefrom, reported said bill with all stricken out, except the enacting clause; which report was agreed to.

A bill entitled, An act to authorise the Trustees of the Jef-

erson Academy, to rent the school lands within the county of Jefferson, and for other purposes; was read a third time and put upon its passage. The Ayes and Nays were called for on this question by Messrs. Dozier and Livingston, and were, Ayes, Mr. President, Messrs. Blackburn, Blount, Brown, Douglas, Dozier, Fitzpatrick, Gautier, Gibson, Hart, Higginbotham, Levy, Livingston, Shaw, Vaughan and Wyatt—16.

Nays, Messrs. Bannerman, Brockenbrough, Drake, Johnston, Kenan, and Long—6. So said bill passed; title as above.

A bill entitled, An act to authorise Augustus Pondgan and Francis Gue, the attorneys of F. J. Avie, to sell and convey certain property in land, for the benefit of the children of said Francis J. Avie.—Was read a third time and passed; title as above.

Mr. Dozier from the committee on enrolled bills, reported as correctly enrolled the following bills, viz:

An act to amend the act to incorporate the Roman Catholic congregation of the city of Pensacola.

An act to authorise Abraham Milsted to build and establish a toll bridge across the Big Escambia, in Escambia county.

An act to incorporate the Protestant Episcopal Church, in the Diocese of Florida.

A resolution authorising the Governor to deposit supplies at Fort White, Fort Palmetto, and other places, for the relief of the suffering inhabitants of Florida.

A bill entitled, An act respecting debts and demands against the estates of deceased persons, and suits against executors and administrators, and for other purposes; was read a third time and put upon its passage. The Ayes and Nays were called for on this question by Messrs. Brown and Mills, and were, Ayes, Messrs. Blackburn, Brockenbrough, Croskey, Gibson, Levy, Livingston, Long, Shaw and Wyatt—10.

Nays, Mr. President, Messrs. Bannerman, Bell, Brown, Dozier, Drake, Fitzpatrick, Gautier, Hart, Higginbotham, Johnston, Kenan, Mills, and Vaughan—14. So said bill was lost.

A bill entitled, An act to amend an act concerning judicial proceedings, was read a third time and put upon its final passage. The Ayes and Nays were called for by Messrs. Fitzpatrick and Drake, and were, Ayes, Messrs. Gautier, Levy, and Shaw—3.

Nays, Mr. President, Messrs. Bannerman, Bell, Blackburn, Blount, Brockenbrough, Brown, Croskey, Douglas, Dozier, Drake, Fitzpatrick, Gibson, Higginbotham, Johnston, Kenan, Livingston, Long, Mills, Vaughan and Wyatt—21. So said bill was lost.

A bill entitled, An act making office copies of certain instruments evidence, and colored persons competent witnesses in certain cases, were laid on the table.

A bill entitled, An act to repeal an act to amend an act to incorporate the stockholders of the Union Bank of Florida, so far as it relates to the establishment of a branch in Marianna, was read a third time and put upon its passage. The Ayes and Nays were called for on this question by Messrs. Long and Mills, and were, Ayes, Messrs. Blackburn, Brockenbrough, Brown, Dozier, Gautier, Gibson, Hart, Johnston, Kenan, Levy, Long, Mills, Shaw, Vaughan, and Wyatt—15.

Nays, Mr. President, Messrs. Bannerman, Bell, Blount, Croskey, Douglas, Drake, Fitzpatrick, Higginbotham, Kenan, and Livingston—10. So said bill passed.

A bill entitled, An act further to amend the charter of the Southern Life Insurance and Trust Company, was read a third time and passed.

A bill entitled, An act to repeal an act concerning Jurors in the Southern District.—Was read a third time and passed, title as read.

A bill entitled, An act to lease for one year, a portion of the University lands.—Was read a third time and passed; title as above.

A bill entitled, An act providing for the sale of certain quarter sections of land, granted by Congress to the Territory of Florida, for the erection of public buildings in the city of Tallahassee, was read a third time and put upon its passage. The Ayes and Nays were called for on this question by Messrs. Wyatt and Fitzpatrick, and were, Ayes, Mr. President, Messrs. Bannerman, Bell, Blackburn, Blount, Dozier, Gibson, Johnston, Kenan, Livingston and Wyatt—11.

Nays, Messrs. Brockenbrough, Brown, Croskey, Douglas, Drake, Fitzpatrick, Gautier, Hart, Higginbotham, Levy, Long, Mills and Shaw—13. So said bill was lost.

His Excellency transmitted to the House the following message:

EXECUTIVE OFFICE,
Tallahassee 10th February, 1838.

To the Legislative Council:

GENTLEMEN.—I have approved and ordered to be deposited in the office of the Secretary of the Territory the following acts

“An act to authorize John Bellamy to render the Ocilla River navigable.”

“An act to amend an act to incorporate the Farmers Bank of Florida.”

“An act supplemental to the Several acts incorporating the Bank of Pensacola.”

“An act for the relief of Florida troops during the present War.”

“An act in addition to an act (approved January 30th 1835) entitled an act to prevent any person in this Territory from carrying arms secretly.”

And I have disapproved and herewith return the following bills.

“An act to dissolve the bands of matrimony between James Trathan and Ann his wife.”

“An act to divorce George Fleming and Mary M. Fleming.”

“An act to divorce John M. Stafford and Susanna Stafford.”

The laws of the Territory having invested the Superior Courts with authority to grant divorces in all proper cases for the exercise of that power, there is no necessity for further Legislation on that delicate subject. And it is believed that more ample and impartial justice will be done to both parties in our Courts of equity, where each may be fully heard and their complaints deliberately considered than can be awarded by an *ex parte* examination, in the hurried proceedings of a Legislative body.

I have therefore rejected the above mentioned bills.

R. K. CALL, Governor of Florida.

Which was read.

A bill to be entitled An act giving a lien to mechanics and master builders, and to repeal certain other acts relating to the same subject, was read a third time. The Ayes and Nays were called for on this question by Messrs. Blount and Fitzpatrick and were Ayes, Messrs. Bannerman, Blackburn, Brown, Croskey, Dozier, Hart, Johnston, Kenan, Shaw, Vaughan and Wyatt 11. Nays, Mr. President, Messrs. Blount, Brockenbrough, Douglas, Drake, Fitzpatrick, Gautier, Gibson, Higginbotham, Levy, Livingston, and Long 12. so said bill was lost.

The report of the committee on the State of the Territory, on the correspondence of the Governor of the Territory, and the Secretary of War, was taken up and read, on motion of Mr. Fitzpatrick the correspondence just mentioned was taken up and read.

The Governor transmitted to the House the following communication.

EXECUTIVE OFFICE,
Tallahassee, February 10th, 1838.

To the Legislative Council:

Gentlemen.—I have approved and ordered to be deposited in the Office of the Secretary of the Territory the following acts.

“An act to authorize Abraham Milstead, to build and establish a Toll Bridge across the Big Escambia, in Escambia County

An act to amend the act to incorporate the Roman Catholic Congregation of the City of Pensacola.

An act to incorporate the Protestant Episcopal Church in the Diocese of Florida.

R. K. CALI., Governor of Florida.

Which was read.

A bill entitled An act for the compensation of the members and officers of the Legislative Council and for other purposes, was introduced by Mr. Fitzpatrick read three times and passed.

The House then adjourned till 10 o'clock to-morrow.

SUNDAY February 11th, 1839.

A quorum of the House met pursuant to adjournment and the Journal of yesterdays proceedings was read.

Mr. Wyatt moved that the vote taken on the compensation bill be reconsidered, which motion did not prevail.

Mr. Mills offered a resolution requiring the Treasurer of the Territory to pay R. B. Copeland, Clerk in the Executive office, the sum of eight hundred dollars as a salary, which was twice read and adopted.

Mr. Blount offered the following resolution.

Whereas an adjourned meeting of the Southern Convention for the purpose of considering the subject of a direct trade to the South and Southwestern States from Europe and elsewhere will take place in April next at the City of Augusta, and whereas other matters may be discussed at said Convention, which are of great moment to this Territory, and whereas it is highly desirable and important that the South and Southwestern States together with this Territory, should be fully represented in said convention.

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, that William H. Chase, James Gadsden, John G. Gamble, Richard Fitzpatrick, Richard H. Long, Thomas Douglas, John Doggett, Oliver O'Hara, Thomas Blount, be and they are hereby requested to serve as delegates to the said Convention, on behalf of this Territory.

Be it further resolved that they hereby recommended to the different counties and towns in this Territory, to appoint associate delegates to serve in said Convention.

Be it further resolved that the Governor be requested to notify the gentlemen named in the first resolution.

Which was read.

Mr. Levy moved to strike out the following "and whereas other matters may be discussed at said convention, which are of

great moment to this Territory" the Ayes and Nays were called for on said motion by Messrs. Brockenbrough and Blount, and were Ayes Messrs. Brockenbrough, Gibson, Higginbotham, and Levy & Nays Mr. President Messrs. Cameran, Bell, Blackburn, Blount, Brown, Croskey, Dozier, Drake, Fitzpatrick, Gainer, Hart, Johnston, Keen, Livingston, Long, Mills, Shaw, Vaughan, and Wyatt 21. So said motion failed.

On motion of Mr. Brockenbrough, Thomas M. Blount's name was added to those placed in those resolutions; the question was then taken on the adoption of the resolution, the Ayes and Nays were called for by Messrs Levy and Long, and were Ayes Mr. President Messrs. Cameran, Bell, Blackburn, Blount, Brown, Croskey, Douglas, Dozier, Drake, Fitzpatrick, Gainer, Hart, Johnston, Keen, Livingston, Long, Mills, Vaughan, and Wyatt 20. Nays Messrs. Brockenbrough, Gibson, Higginbotham, Levy and Shaw, 6. So said resolutions were adopted.

Mr. Blount offered the following Preamble and Resolutions

WHEREAS, Pensacola has been established as a Naval Depot by the United States; and whereas, the bar, at the mouth of the harbor has been examined by Captain William H. Chase, of the United States Engineers, and Commodore Alexander J. Dallas, of the United States Navy, both eminently qualified to form an opinion, and reported by them to be susceptible of being made capable of admitting vessels of war of the largest class, by the expenditure of an amount of money insignificant in comparison to the advantages which will be derived by such improvement, as well to the Government of the United States, and the valuable commerce of the Gulf of Mexico, as to the said city of Pensacola.

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby requested to use his best exertions to obtain an appropriation at the present session, to deepen said bar of Pensacola, as recommended by Captain William H. Chase and Commodore Alexander J. Dallas.

Resolved, That a copy hereof be forwarded to the Honorable Charles Downing.

Which was read.

Mr. Blount from the Judiciary committee to whom was referred the Message of the Governor with other documents respecting the compilation of the laws of Florida, reported the following resolutions.

Resolved, That the Delegate in Congress be requested to procure a reappropriation of the unexpended balances of former appropriations by Congress, for the compilation of all the

statutes of this Territory, and the acts of Congress relating thereto, to be subject to the order of the Executive of Florida, and a copy of this resolution be transmitted to said Delegate.

Resolved, That the Delegate in Congress be requested to procure an appropriation of the sum of five thousand dollars to pay the expense of the publication of the proposed Digest, by John P. Duval, esquire, of the Statutes of Florida, and Treaty of Cession, &c., as specified in his contract, now in force, and likewise up to, and including, the present session of the Council; said amount of five thousand dollars to be in full therefor, and a copy of this resolution be transmitted to said Delegate.

Resolved, That the Governor of Florida be authorised and directed to delay further proceedings on the bond of James D. Westcott, Jr. and others, upon the filing written assent to such delay by the other defendants, for the completion of the compilation of the laws of this Territory, till the next fall term of Leon Superior Court, and upon the aforesaid appropriation of five thousand dollars being made, to receive at any time before said term, said compilation, and cancel and discharge said bond, and also draw for and pay the balance due on the contract, if re-appropriated. Which were adopted.

Mr. Blount, from the Judiciary committee to whom was referred a bill entitled An act to Incorporate the Pensacola City Company reported said bill without amendment, which report was agreed to and said bill read a third time and passed: title as read.

Mr. Drake from the committee on schools and colleges to whom was referred the Treasurers report on certain school lands report that they have no time at this late hour to take the matter into mature deliberation and therefore request to be discharged from its further consideration: Which report was agreed to.

Mr. Douglas from the bank committee made the following report.

Your committee to whom was referred the report of the Farmers Bank of Florida, have examined the same and are happy to find that it affords additional evidence in support of the opinion heretofore given by this committee that the Banks of the Territory are in a sound and healthy condition, and that they have generally been well managed and deserve the confidence of the public both at home and abroad, your committee herewith present a statement of the affairs of said bank as a part of this report.

THO. DOUGLAS Chairman.

[For statement see Appendix to journals.]

Mr. Dozier from the committee on enrolled bills reported as correctly enrolled the following bills viz:

An act to authorize the St. Andrews, and Chipola Canal and Rail Road Company to establish the books of the Company, and all other papers lost by said company by fire.

An act to provide for the erection of a Court House and Jail in the Counties of Franklin and Calhoun.

An act to carry into effect a general system of education, in the Territory of Florida, by the education of Schoolmasters.

An act to repeal an act concerning Jurors in the southern district.

An act to repeal an act, to amend an act to incorporate the stockholders of the Union Bank of Florida, so far as it relates to the establishment of a branch in Marianna.

A Preamble and Resolutions requesting a further appropriation for the repair of Fort Marion and the sea wall at St. Augustine.

An act to incorporate the Dade Institute of Florida.

An act to authorize the Trustees of the Jefferson Academy to rent the school lands within the County of Jefferson and for other purposes.

An act to lease for one year a portion of the University lands.

An act to authorize Augustus Pongard and Frances Gue, the attorneys of F. J. Avice, to sell and convey certain property in lands for the benefit of the children of F. J. Avice.

An act for the compensation of the members, and officers of the Legislative Council, and for other purposes.

A resolution heretofore offered by Mr. Gautier respecting the opening a road from Tallahassee to the Apalachicola River was read a third time and adopted.

An act to authorize the Union Bank of Florida to construct a Rail Road to connect the waters of the Atlantic Ocean, with the waters of the Gulf of Mexico was read a second time, Mr. Brockenbrough moved that the said bill be indefinitely postponed: the Ayes and Nays were called for on this question by Messrs. Livingston and Croskey, and were Ayes Messrs. Bannerman, Bell, Blackburn, Brockenbrough, Brown, Douglas, Drake, Gibson, Hart, Higginbotham, Johnston, Levy, Long, Mills, Shaw, and Vaughan 16. Nays Mr. President Messrs. Blount, Croskey, Dozier, Fitzpatrick, Gautier, Kenan, Livingston, and Wyatt 9. So said motion prevailed.

Mr. Dozier from the committee on enrolled bills reported as correctly enrolled the following bills.

An act to exempt certain inhabitants of this Territory from Taxation.

An act to incorporate the Florida Steam Packet Association.

An act further to amend the charter of the Southern Life Insurance and Trust Company.

A resolution allowing the sum of eight hundred dollars to Robert B. Copeland, as a compensation for his services.

Mr. Long moved that the report of the committee on the state of the Territory, be indefinitely postponed; the Ayes and Nays were called for on this motion by Messrs. Dozier and Long, and were Ayes Messrs. Bannerman, Blackburn, Dozier, Gibson, Levy, Long, and Shaw 7. Nays Mr. President, Messrs. Bell, Blount, Brockensburgh, Brown, Croskey, Douglas, Fitzpatrick, Gautier, Hart, Higginbotham, Johnston, Kenan, Mills, Vaughan, and Wyatt 16. So said motion failed.

The House then went into committee of the whole on the said report and resolutions, after some time spent in consideration of said resolutions, the committee rose and Mr. Brockensburgh Chairman, therefrom reported a substitute therefor, which was put upon the adoption. The Ayes and Nays were called for by Messrs. Douglas and Wyatt, and were Ayes Mr. President Messrs. Bannerman, Bell, Blount, Blount, Brockensburgh, Brown, Croskey, Douglas, Dozier, Drake, Fitzpatrick, Gautier, Gibson, Hart, Higginbotham, Johnston, Kenan, Long, Mills, Vaughan, and Wyatt 19. Nays Messrs. Levy and Shaw, 2. So said resolutions were adopted.

The House went into committee of the whole on a bill entitled An act to incorporate the City of Key West after some time the committee rose. Mr. Croskey Chairman therefrom, reported said bill to the House without amendment; which report was agreed to, and said bill read a third time and passed.

A bill entitled, An act supplemental to the act incorporating the Union Rail Road Company, was indefinitely postponed.

A resolution heretofore offered by Mr. Shaw, was again read, and, on motion, was indefinitely postponed.

A resolution heretofore offered by Mr. Gibson, was read a second time and adopted.

Mr. Dozier from the committee on Enrolled bills, reported the following as correctly enrolled, viz:

A preamble and resolution requesting an appropriation for clearing out and deepening the harbor of Pensacola.

A preamble and resolutions for the purpose of sending delegates to the Southern Convention, to be held in the city of Augusta, in April next.

And a preamble and resolutions respecting the Alabama, Florida and Georgia Rail Road Company.

The Governor transmitted to the House, by his private Secretary Mr. Copeland, the following communication:

EXECUTIVE OFFICE,

Tallahassee 11th February, 1838. }

To the Legislative Council:

GENTLEMEN.—I have approved and ordered to be filed in the Secretary's office, the following acts, viz:

An act further to amend the charter of the Southern Life Insurance and Trust Company.

An act to incorporate the Alachua Land Company.

An act to incorporate the Florida Steam Packet Association.

An act to carry into effect a general system of education in the Territory of Florida, by the educating schoolmasters.

An act for the compensation of the members and officers of the Legislative Council, and for other purposes.

An act to provide for the erection of a court house and jail in the counties of Franklin and Calhoun.

An act to repeal an act concerning Jurors in the Southern District.

An act to authorise the St. Andrews and Chipola Canal and Rail Road Company, to establish the books of record of the company, and all other papers lost by said company by fire.

An act to authorise Francis Pong and and Francis Gue, the attorneys of F. J. Avice, to sell and convey certain property in lands, for the benefit of the children of the said F. J. Avice.

An act to incorporate the Trade Institute of Florida.

An act to repeal an act to incorporate the stockholders of the Union Bank of Florida, so far as it relates to the establishment of a branch in Marion.

An act to authorise the Trustees of Jefferson Academy, to rent out the school lands within the county of Jefferson, and for other purposes.

I have also approved and signed a resolution, concerning the repairs of the sea wall and Fort Marion, at St. Augustine.

A resolution increasing the compensation of Robert B. Copeland, private secretary to the Governor.

R. K. CALI.

Governor of Florida.

Which was read and laid on the table.

And on motion of Mr. Dozier, the House proceeded to reconsider the bill entitled An act to lease for one year a portion of the University Lands, rejected in and by said Message, and the Ayes and Nays on the question of its passage against the veto of the Governor were as follows: Ayes Messrs. Bannerman, Blackburn, Brockensburgh, Brown, Croskey, Dozier, Gautier, Gibson, Hart, Higginbotham, Levy, Long, and Shaw, 13. Nays Mr. President, Messrs. Bell, Drake, Fitzpatrick, Johnston, Kenan, Mills, and Vaughan, 8.

The following Message was received from his Excellency the Governor.

EXECUTIVE OFFICE

Tallahassee 11th February, 1838.

To the Legislative Council:

GENTLEMEN.—I hereby nominate George H. Laing a Justice of the Peace, for the County of Gadsden, and James Riz a a Justice of the Peace for the County of St. Johns.

R. K. CALL,
Governor of Florida.

And on motion of Mr. Johnston, the nominations therein contained were advised and consented to by the Council.

The following Message was received from his Excellency the Governor.

EXECUTIVE OFFICE

Tallahassee 10th February, 1838.

To the Legislative Council:

Gentlemen.—I hereby nominate Henry D. Stone, and I Hudson Justices of the Peace for the County of Calhoun.

R. K. CALL,
Gov. of Florida.

Whereupon on motion of Mr. Gautier the nominations thereto made were advised and consented to by the Council.

A bill entitled An act concerning wreckers and wrecked goods' in the Eastern District of Florida, was read again and ordered to be engrossed.

An engrossed bill entitled An act to suppress the issuing and circulating change bills, and for other purposes, was taken up read a third time, and on motion of Mr. Blackburn the Ayes and Nays were taken on its passage, and are as follows: Ayes Messrs. Bannerman, Bell, Blackburn, Brockenbrough, Brown, Douglas, Dozier, Gibson, Hart, Higginbotham, Kenan Levy, Long, Mills, Shaw, Vaughan, and Wyatt, Nays. Mr. President, Messrs. Blount, Croskey, Drake, Fitzpatrick, Gautier and Johnston 7.

On motion of Mr. Wyatt, a committee of three were appointed to wait on the Governor and inform him the Council had got through the business and would adjourn unless he had some further communication to make, when Messrs. Blount, Fitzpatrick, and Gautier, were appointed.

Mr. Dozier from the committee on Enrolled Bills, reported as correctly enrolled,

An act to amend an act to incorporate the Southern College at St. Augustine, approved Feb. 11. 1837.

His Excellency the Governor transmitted to the House the following communication.

EXECUTIVE OFFICE

Tallahassee 9th February, 1838.

To the Legislative Council:

GENTLEMEN.—I have disapproved, and herewith return the bill entitled, an act to exempt certain inhabitants of this Territory from taxation.

So far as the provisions of this bill are intended for the relief of the poor, who have been driven from their homes, and have sustained loss by the events of the war; they receive my entire approbation. But I consider its general provisions entirely too extensive, and that it would exempt many from taxation, who are now no less able to contribute to the support of the Government, than they would have been, had they remained at their former places of residence. If the bill can be so amended as to embrace those persons only, who could not bear the burthen of taxation without inconvenience and distress to their families it will receive the ready approval of the Executive. But while we have a large number of persons who have been left destitute by the casualties of the war, and who must depend in some degree on the Territorial Treasury for support, I deem it inexpedient to exempt any of those from taxation, who are able to contribute to the public revenue, and the relief of those more unfortunate than themselves. I would most cheerfully exempt from taxation all those who have been driven from their homes, and who have been unable to employ their slaves or themselves, profitably, owing to the casualties of the war. But where they have valuable employment, the Executive does not perceive the justice of exempting them from taxation.

R. K. CALL, Governor of Florida.

Also the following:

EXECUTIVE OFFICE,
Tallahassee, February 11, 1838.

To the Legislative Council:

GENTLEMEN.—I hereby nominate the following officers for the County of Franklin. Elizur Wood, Laddum S. Chittenden, Dennison H. Wood, Auctioneers. Nathan Baker, and Benj. Ellison, Port Wardens for the port of Apalachicola.

John Gorrie, B. S. Rapes and Wm. McBride, Notaries Public. Nathaniel Baker, George F. Baltzell, Dennison Wood, Justices of the Peace in and for the said county.

R. K. CALL, Gov. of Florida.

EXECUTIVE OFFICE,
Tallahassee 11th February, 1838.

To the Legislative Council:

GENTLEMEN.—I hereby nominate Leslie A. Thompson,
S

Auditor of Public Accounts, and Thomas Austin, Treasurer of the Territory of Florida. R. K. CALL, Gov. of Florida.

EXECUTIVE OFFICE,

Tallahassee, February 10, 1838.

To the Legislative Council:

GENTLEMEN:—I hereby nominate the following officers for the county of Leon. Leslie A. Thompson, Judge of the County Court.

Simeon H. Davis, R. J. Hackley, T. R. Betton, J. L. Vickers, Henry Radford, L. Hart, John Davis, Wm. G. Ponder, William Hilliard, Nathaniel Hamlin, John Izler, Justices of the Peace. Benj. Byrd, Auctioneer. John J. Rolls and Wm. C. Campbell, Notaries Public. Robt. S. Loyd, Wm. C. Campbell and Peter Swaim, Port Wardens for the Port of St. Marks.

R. K. CALL, Governor of Florida.

EXECUTIVE OFFICE,

Tallahassee 11th Feb. 1838.

To the Legislative Council:

Gentlemen.—I do hereby nominate William Gorman, a Justice of the Peace, in and for the County of Jefferson.

R. K. CALL, Governor of Florida.

Which were laid on the table.

On motion of Mr. Mills, a bill to be entitled, An act to provide for the defence of the frontier of Florida, was placed first among the orders of the day.

The House then adjourned until 5 o'clock, P. M.

FIVE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Gautier offered a resolution recommending Robert Myers of Franklin County, for the appointment of Lieutenant of Dragoons, Which was unanimously adopted.

Mr. Douglas, with leave, offered certain resolutions respecting the buoys in the harbor of St. Augustine, and the improvement of said harbor.—Which were twice read and adopted.

On motion of Mr. Mills, the House resumed the consideration of the bill entitled, An act to provide for the defence of the frontier of Florida; which was read the third time and put on its passage. The Ayes and Nays being called for, were, Ayes, Messrs. Bell, Brown, Douglas, Fitzpatrick, Gautier, Kenan, Levy and Mills—1.

Nays, Mr. President, Messrs. Bannerman, Blackburn, Blount, Brockenbrough, Croskey, Dozier, Drake, Gibson, Hart, Higinbotham, Johnston, Long, Shaw, Vaughan, and Wyatt—16.

And so said bill was lost.

Mr. Fitzpatrick moved that a committee be appointed to wait on the Governor and inform him the Council are ready to adjourn if he has no further communication to make to them; which motion was lost.

On motion of Mr. Blount, the House took up the bill entitled, An act to exempt certain inhabitants of this Territory from taxation, returned rejected by the Governor, and his message rejecting the same, was read, and the motion of Mr. Brockenbrough that the House reconsider the vote heretofore given on its passage.—The Ayes and Nays being called for, were as follows: Ayes, Mr. President, Messrs. Bannerman, Bell, Blackburn, Blount, Brown, Croskey, Douglass, Dozier, Drake, Fitzpatrick, Gautier, Gibson, Hart, Higinbotham, Johnston, Levy, Long, Wyatt—19.

Nays, Messrs. Brockenbrough, Fitzpatrick, Kenan, Mills, Shaw—5. So the House agreed to reconsider the bill and the question being put on its passage against the veto of the Governor, were as follows: Ayes, Messrs. Bannerman, Blackburn, Blount, Brockenbrough, Croskey, Douglass, Dozier, Gibson, Hart, Higinbotham, Levy and Vaughan—12.

Nays, Mr. President, Messrs. Bell, Brown, Drake, Fitzpatrick, Gautier, Johnston, Kenan, Long, Mills, Shaw and Wyatt—12. So said bill was lost.

On motion of Mr. Fitzpatrick, the House proceeded to reconsider the bill entitled, An act to dissolve the bands of matrimony between James Tratham and Ann his wife; returned rejected by the Governor, and on the question of its passage against the veto of the Governor, the vote being taken by Ayes and Nays, was as follows, viz: Ayes, Messrs. Bell, Blount, Brockenbrough, Brown, Croskey, Douglass, Dozier, Drake, Hart, Higinbotham, Levy, Mills, Wyatt—13.

Nays, Mr. President, Messrs. Bannerman, Blackburn, Fitzpatrick, Gautier, Gibson, Johnston, Kenan, Long, Shaw and Vaughan—11. So said bill was lost.

On motion of Mr. Mills, the House proceeded to reconsider the bill entitled, An act to divorce George Fleming and Mary H. Fleming, returned rejected by the Governor, and on the question of its passage against the veto of the Governor, the vote being taken by Ayes and Nays, were as follows: Ayes, Messrs. Bannerman, Bell, Blount, Brockenbrough, Brown, Croskey, Douglass, Dozier, Drake, Hart, Higinbotham, Levy, Mills and Wyatt—14.

Nays, Mr. President, Messrs. Blackburn, Fitzpatrick, Gautier, Gibson, Johnston, Kenan, Long, Shaw and Vaughan—10. So said bill was lost.

On motion of Mr. Hart, the House proceeded to reconsider the bill entitled, *An act to divorce John M. Stafford, and Susannah Stafford*, returned rejected by the Governor, and on the question of its passage against the veto of the Governor, the vote being taken by Ayes and Nays, was as follows: Ayes, Messrs. Bell, Blount, Brockenbrough, Brown, Croskey, Douglas, Dozier, Drake, Hart, Higginbotham, Levy, Mills, and Wyatt—13. Nays, Mr. President, Messrs. Bannerman, Blackburn, Fitzpatrick, Gautier, Gibson, Johnston, Kenan, Long, Shaw and Vaughan—11. And so said bill was lost.

Mr. Dozier from the committee on enrolled bills reported the following as correctly enrolled.

The resolutions concerning the compilations of all the statutes of this Territory and acts of Congress relative thereto.

A resolution requiring the Treasurer to pay the account of John P. Duval for news papers furnished the Council at its present session.

A Preamble and Resolution requesting an appropriation of ten thousand dollars for the opening and construction of a Road from the City of Tallahassee, to the Apalachicola River near the terminus of the St. Joseph and Iola Rail Road.

The resolution heretofore offered by Mr. Hart requesting a pension for Mrs. Jane Johns, was read and adopted.

The report and resolutions of a minority of the Select Committee to whom was referred the resolution of the Legislature of the state of Alabama, concerning the annexation of West Florida to that State, was next taken up for consideration; whereupon Mr. Brockenbrough, in behalf of the majority of said committee made the following report and resolutions which was read.

The select committee to which was referred certain joint resolutions of the Legislature of Alabama, concerning the dismemberment of the Territory, and the message of the Governor thereupon, and a certain resolution offered by Mr. Gibson, instructing this committee to enquire by what authority the States of Alabama, Mississippi and Louisiana, hold that portion of Florida, lying south of the 31st degree of north latitude, and between the Mississippi river, Lake Ponchartrain, and the Perdido river; beg leave respectfully to report: That they have had the same under consideration, and that they concur, generally, with the Governor in his views upon the subject and think with him, that "such dismemberment would be attended with the most fatal consequences, to the present and future prospects of Florida."

They further report, that they cannot perceive any reason for

right which the State of Alabama can set up to authorise them to ask for such dismemberment, or to authorise Congress to grant the same, especially when the same has not been requested by the Territory of Florida, or even that portion in question.

And whilst your committee is disposed not to urge any right which they may possess, to that portion of the States of Alabama, Mississippi and Louisiana, alluded to in Mr. Gibson's resolution, they respectfully urge that the same courtesy should be extended by the neighboring States to this Territory, especially when their request, for a portion of our Territory, is urged upon no ground of right, existing in the States, or of possible benefit to the Territory, but upon the mere ground that such dismemberment will be of advantage to the States seeking it, without enquiry as to the effect it may have upon those sought to be transferred.

Your committee beg leave further to refer to the treaty by which this Territory was ceded to the United States, and by which the faith of the United States is pledged to admit this Territory into the Union, as soon as the same is admissible by the principles of the Federal Constitution, by which your committee understand the faith of the Government, to be pledged to admit this Territory, as it then stood, without dismemberment, and cannot see, if the Territory may be dismembered, and incorporated by piece meal into the different States of the Union, of what advantage the clause alluded to, is to the Territory, or by what species of logic, the faith of the United States can be shewn, not to be violated by such dismemberment.

Your committee therefore recommend that the following resolutions be adopted:

1st. Resolved, That the Legislative Council consider the application of Alabama to the Congress of the United States to dismember this Territory as extremely unreasonable, and that if the same be granted, it will prove highly injurious, if not fatal to the future prosperity of this Territory.

2d. Resolved, That our Delegate in Congress and all other members of that body, friendly to the prosperity of Florida, be requested to use every exertion to prevent the success of the efforts of the State of Alabama, to dismember this Territory.

3d. Resolved, That the Governor be requested to forward a copy of these resolutions to the President of the United States, the Speaker of the House of Representatives, the President of the Senate, and our Delegate in Congress; and also to the Governor of Alabama, with a request that he lay the same before the Legislature of that State.

On motion of Mr. Fitzpatrick the report of the minority

and the resolutions therewith presented were adopted by the House, and the Ayes and Nays being demanded were as follows, Ayes Mr. President, Messrs. Bannerian, Blackburn, Brown, Dozier, Fitzpatrick, Gantier, Gibson, Hart, Johnston, Keenan, Mills, Shaw, Wyatt, 14. Nays Messrs. Brockenbrough, Croxkey, Douglas, Drake, Higginbotham, Levy and Long 7.

On motion Mr. Blount, was excused from voting, and had leave to enter his dissent and protest on the journals against the report and resolutions of both the majority and minority of the committee before the House.

A bill entitled an act for the relief of Benjamin G. Thornton was read a second time and ordered to be engrossed for a third reading.

The bill entitled an act for the relief of J. J. Sands was read a third time and passed.

The nominations heretofore made by the Governor were taken from the table, read, and the Council advised and consented thereto.

The bill entitled An act to raise a revenue for the Territory of Florida, was again read and laid on the table.

The bill entitled An act to incorporate the Florida Rail Road and Canal Company was read a second time, and ordered to be engrossed for a third reading.

The bill entitled An act to incorporate the St. Marys Rail Road Company was again read and laid on the table.

The bill entitled An act to amend the charter of the Union Bank of Florida was indefinitely postponed.

The bill entitled An act to amend an act entitled an act to incorporate the Southern College at St. Augustine approved Feb. 11, 1837, was read a third time and passed.

The bill entitled An act to amend an act incorporating the East and South Florida Canal Company was taken up, read a third time, amended and passed.

Mr. Dozier from the committee on enrolled bills, reported as correctly enrolled.

A Preamble and Resolution requesting the President of the United States to appoint Robert Myers of the Franklin volunteers a Lieutenant of Dragoons.

A Preamble and Resolution requesting an appropriation for the establishment of buoys and improvement of the Harbour of St. Augustine.

An act for the relief of J. J. Sands.

An act to amend an act incorporating the East and South Florida Canal Company.

A Preamble and Resolution requesting a grant of a Town-

ship of Land from Congress to the Trustees of the Duke Asylum An act to incorporate the City of Key West.

An act to incorporate the Pensacola City Company.

A Preamble and Resolution concerning the correspondence between the Governor of this Territory and the Secretary of War.

The following Message was received from the Governor:

To the Legislative Council:

GENTLEMEN.—I have approved and ordered to be deposited in the Office of the Secretary of the Territory the following resolutions.

A resolution requesting our Delegate in Congress to endeavor to procure an appropriation to deepen the bar of Pensacola.

A resolution, requesting our Delegate in Congress to endeavor to procure a donation from the Government of land, to aid the Alabama, Georgia, and Florida Rail Road Company, to complete said Road.

A resolution providing for Delegates to the Southern Convention, to be held at Augusta in April next.

A resolution concerning the republication of the Laws of the Territory.

A resolution requesting our Delegate in Congress to endeavor to procure an appropriation of ten thousand dollars to open a Road from Tallahassee, to the Apalachicola River nearola.

A resolution requiring the Treasurer of the Territory to settle certain amounts of the Secretary of the Territory for newspaper subscriptions.

I have rejected and herewith return the bill entitled An act to lease for one year a portion of University Lands. This act grants to the lessee, the use and enjoyment of a section of land, without consideration of any kind. Nor does it appear from the provisions of the act, that the lessee is required to do or perform any thing, by which an advantage would accrue to the Territory, or the School fund, for these reasons the bill is rejected.

R. K. CALL, Governor of Florida. Which was read.

To the Legislative Council:

Gentlemen.—I hereby nominate the following Officers for the County of Columbia.

James Livingston, James Brooks, Elisha Green, William Williams, Enoch E. Miggell, Moses Edwards, C. H. B. Collins, Justices of the Peace. George McClellan Auctioneer.

R. K. CALL, Gov. of Florida. Which was read, and the nominations therein contained consented to and advised.

To the Legislative Council:

Gentlemen.—I have approved and deposited in the Office of the Secretary of the Territory the following acts.

An act for the relief of J. J. Sands.

An act to amend an act entitled an act to incorporate the Southern College of St. Augustine approved Feb. 11th. 1837.

An act to incorporate the City of Key West.

An act to incorporate the Pensacola City Company.

A resolution requesting our Delegate in Congress to endeavor to procure a grant of a Township of Land for the Dade Institute.

A resolution recommending Robert Myers of Franklin County for appointment of Lieut. of Dragoons.

A resolution in relation to the buoys, on the bar of St. Augustine.

R. K. CALL, Gov. of Florida.

To the Legislative Council:

Gentlemen.—I have approved and ordered to be deposited in the Office of the Secretary of the Territory, the following acts.

An act to amend an act incorporating the East and South Florida Canal Company.

An act to suppress the issuing or circulating change bills, and for other purposes. R. K. CALL. Gov. of Florida.

To the Legislative Council:

Gentlemen.—I hereby nominate William Budd, a Justice of the Peace for the County of Jefferson.

R. K. CALL, Gov. of Florida.

The nominations therein contained were consented to & advised.

Col. Fitzpatrick took the Chair, and Mr. Gautier offered the following resolution.

Resolved unanimously, that the thanks of this Legislative Council be tendered to the Hon. Thomas Brown President thereof, for the dignified and impartial manner which he has discharged the duties of the Chair during the present session.

Which was read and unanimously adopted.

The President on resuming the Chair, replied as follows:— Before we finally separate, permit me, gentlemen, to make to you all, and to you individually, my most sincere acknowledgments, for the kindness and courtesy, I have received from you, whilst in the discharge of the duties of this Chair. Unaccustomed as I have been to parliamentary forms, it has not been, it could not be, to me, an enviable station. My great aim has been to preside with impartiality, and therefore to receive your approval of my conduct, is most flattering to my feelings. I am well aware, that whatever of success I may have attained in my efforts to perform those duties, is mainly attributable to the prompt support I have received from you.

I wish you, Gentlemen, a speedy and safe return to your constituents, and to the bosom of your families, and long may you enjoy every comfort and blessing this world can afford.

The House then adjourned *sine die*.

A P P E N D I X.

WASSESA, FLORIDA, Dec. 20, 1837.

To His Excellency R. K. CALL Governor, &c. &c., and to the Legislative Council of Florida.

At the very particular request of several individuals to whom privately I have communicated the subjunctive views; I have been induced to present them, through you, to the Legislative Council, of Florida, at its present session. The Geographical position of the Territory is peculiar.—Like another Italy protruding into a Southern Archipelago of keys, and of islands, it stands, as it were, a barrier between those portions of the United States, washed by the waters of the Atlantic, and by those of the Gulf of Mexico. The whole maritime intercourse between the great sections of our Union, the *East*, and the *West*, is thus exposed to a route as *circumitous*, as it is *hazardous*, amid reefs and currents, which for ages have been a *terror* to navigators, and a *burden* on commerce. The annual loss of both *life* and of *property*, in doubling the southern capes of Florida, is incalculable. The latter estimated at one time, by a distinguished Senator in Congress, at \$500,000 per annum, and the hazard may be known from the fact, that the premium of insurance, between the Atlantic cities and New Orleans, very nearly equals that on voyages to the Pacific and the China seas.

The General Government, sensible of the dangers to which the South Western Coasting-trade was thus exposed, was early attracted to the consideration of the means by which they could be avoided or lessened, and very soon after the acquisition of Florida, caused surveys to be made with a view to those objects. Had these costly examinations been wisely directed to *practical results*, instead of to the more attractive, but delusive visions, of *thorough cuts* and *ship channels*, we long since would have been in the enjoyment of a communication through our Territory, between the Atlantic and the Gulf of Mexico; which might have obviated many, if not most of the trials, and difficulties of the navigation, alluded to. In the interval, however, (a period in which the natural advantages, and resources of Florida, to a great extent, have been permitted to slumber, or remain undeveloped) a new era in Internal Improvements has burst upon our land.

Rail Roads, if they have not superseded, have, and may

very advantageously be substituted, at places, for canals and rivers, periodically unnavigable. The pine planes of the South, are their peculiar province. Comparatively level, and with the best of timber materials on the spot, the expenses of construction in the graduations and embankments, as well as in the superstructure, are greatly diminished. Indeed the difference in the cost of roads coursing through a pine land region; and those which have to force their way over an undulating, and hilly surface, is scarcely to be calculated. In every respect, the advantage is with the former; not merely in less capital involved in the first construction, but in the annual expenses of reparation, and in the greater transportation performed with less locomotive power. That the Legislative Council may be able to estimate correctly the difference, I annex a copy of an elementary report made to the Legislature of South Carolina, on the powers of an engine on roads of different declivities and of different curvatures. It is true, that in the daily progress of invention and of skill, (for literally "the school master, on all subjects, is abroad,") the greater capacity of engines, of different constructions, for ascending planes, have been developed, but in no instance have the supposed improvements derogated from the fact, that the engine exercises, in all cases, its *greatest power*, on a *level*, and that that power is diminished on every ascent it has to overcome. The same locomotive, therefore, on a horizontal plane, will in greater speed, *gain in time*, and in greater weight of load, *perform more*, than it could possibly do when opposed by ascents (however inconsiderable) which it has to surmount. Indeed on perfectly level roads, there is no estimating the degree of perfection to which the performance of an engine, may be carried both in *speed* and in the *hauling of loads*. It may literally be made to fly, and to draw in its train the cumbrous cargoes of the steamer. Those countries, therefore, which have fewest inequalities of surface, and which approach nearest to planes, will be found the peculiar province of rail roads, and where such high ways, while constructed at the *least cost*, will be able to perform most, and with the smallest locomotive power. Less capital in the one instance will produce greater pecuniary results, and rival rail roads competing for the same communication and intercourse, but which have all the inequalities of hilly countries to contend with, will have to yield to the superior advantages of those located on planes, with all the materials for construction ready at hand.

The whole world are at this moment, alive to the subject of rail road communications, and there is not a State or Territory

in the Union, that is not now deeply engaged in projects, for increasing by rail ways, not merely the facilities of inter-communication with the different sections of their own interior, but with the more remote quarters of the United States. To connect the great sections of the East and the West in one indissoluble bond, is an object, for which the communities of the whole Atlantic, are now struggling. New York, Pennsylvania, Maryland, Virginia, South Carolina, and Georgia, are all on the onward march for the Western Lakes, and for the father of rivers, and are not indifferent to the improvement of a communication, and an intercourse which will bring to their territories, some of the productions and wealth of those fertile regions, washed by the Mississippi, and on whose waters alone, have hitherto been bourn to a *single market*, the vast, and increasing resources of a mighty empire.

With these preliminary remarks, I have taken the liberty of bringing to the notice of the Executive, and of the Legislative Council of our Territory, the importance of improving some of the advantages which from our *natural position* we enjoy, and which cannot but have the most salutary influence on the destinies, and prosperity of Florida. I allude in particular to a *rail way communication from the Atlantic to the Gulf*. It is not necessary to enter into all the details of the vast importance of such a connection; as all its advantages are so well known, and so universally acknowledged by every one. There is no individual blind to the peculiar geographical location of Florida in its relations to other sections of the Union, and for years has a canal, or some mode of communicating across our Peninsula, from the Gulf to the waters of the Atlantic, been the theme of all who feel an interest in the certain prosperity depending on the consummation of such an intercourse. The United States, as mentioned above, were early directed to such an object, and before almost every Council has the project been agitated, and grants to joint stock companies been proffered to those who would *undertake* and *perform*. But as yet no advance has been made under the charters of incorporations which have been passed, and if for the *future*, we continue as we have for the *past*, to rely on individual enterprise and capital, it is to be feared, that the execution of the great project, and with it, its consequent advantages to the Territory, will, for a period at least, have to be postponed. The scheme is a *great one*, in its consequences, social, commercial, and political.

To the Territory the benefit of the rail road would be incalculable, and we should be blind indeed to the destinies of our land which, in a measure, hang on the consummation of

this work, if we leave to private individuals, what will require the resources, and the energies of a community to execute.

The Florida community are to benefit from it, and should not be backward in those efforts which must, to each and to all who reside in the Territory, be productive of such多mogeneous results. It is much to be doubted whether there is any location of a rail road, for its extent, in the United States, presenting such tempting advantages, as would a highway from the *Gulf to the Atlantic*. It would connect at a distance not to exceed 200 miles, *two seas*, the communication between which can now only be had by a hazardous, expensive, and very circuitous route, and it would be another, and important link of intercommunication between the East and the West. Running on a low and bold parallel of latitude, the intercourse and travel on it, could never be interrupted by the colds of winter; and on the direct line between the cities of the Atlantic, and those of the Gulf, this road would become, to business men, the *favoured route*, as enabling them to pass in their travelling, East or West, most of the depots with which they might have commercial transactions. Coming to the route would, for the whole distance, through a comparatively level country, with few inequalities of surface, and no great rivers to cross, and passing generally through, or in the vicinity of pine forests, the cost of construction, of superstructure, and of embankments, would be (contrasted with other roads) very inconsiderable.

The practicability of the work, and at a cost comparatively low, does not admit of a doubt, and as the country has been minutely examined, and its boundaries well ascertained, operations could be commenced *immediately*, if the *permanency of services* could only be *available*. While other States and communities are appropriating largely to survey and examine, and still hesitating on the *choice of routes*, our way is so plain that we have only to will and to execute. Decision and action will place us in *advance* of those who have been year pending to ascertain *facts*, and to *remove doubts*, and will give to Florida, through young in pecuniary means, but rich in credit, the merit of having first achieved a great rail way, improving the intercourse between the Atlantic and Western Oceans. Should we hesitate or falter with the example Michigan has set us. A Peninsula, similarly situated in relation to Lakes Michigan and Erie, as Florida is to the Gulf and to the Atlantic, she has willed, and her credit alone is now furnishing the nexus of connecting those two inland seas by a rail route shortening the distance, and diminishing the hazards of a circuitous voyage along

her edge coasts. The possible inducements for the construction of such a road, are bold when contrasted with those which should influence the building up a highway of rail, across the Peninsula of Florida from the Atlantic to the Gulf.

Independent of the natural resources, social and commercial, Florida, in a few years time, would be far advanced from the accomplishmenst they are. As a new state it would be unpreceded by any in the United States, and in bringing to the very doors of a large section of fertile and interior country, the means of the creation of produce, from which it is at present cut off, our sources of increased wealth would be developed. The additional inducements offered to immigration will be apparent. The fact is not to be despised, that with one of the finest harbours in the world, and a strait crossing ocean (if we except the other goodness of our end of the continental route), the peculiarly favorable, perhaps, other precedents to our advantages, or ignorance of the capabilities of our land turn contrasts daily from our shores. The limited overflowing of the redundant population of the West toward the new countries of the South and West, literally carries by its weight up and render possible, a population of 1,000,000, but not more than half than those left behind. Were there no concentrations of population (by superior facilities of travelling) made before through our Territory, they might be scattered in their onward course by the attractive character of a country which need only to be known, to be properly appreciated. The greater part of the route of a road, crossing continents, by a judicious selection, might be made to intersect a *gold country*, every mile of which would pay something for its protection. From the Appalachians, (should the rail way be extended, as it no doubt ought, in that direction) to the Sewanee, it might be made to split one of the most fertile districts of Florida, capable of producing, at least 100,000 bushels of cotton, and though from the Sewanee east to the St. Marc's or the St. John's, it would necessarily pass through, seemingly, a barren, because a pine land country, there are, notwithstanding, no the future, concealed sources of wealth, which by the road, would ultimately be developed and made to contribute to its receipts and its profits.

At the South, as an agricultural people, we resolve all sources of wealth into the productive capabilities of our soils. Single minded, unfortunately, in our pursuit of gain, we seem to appreciate that only which will yield the great staples of cotton, sugar and rice. The mineral wealth of our land remains neglected, and other sources of accumulation and of

wealth, lay dormant for the want of genius, of enterprise, and of industry to discover and expose them. Still greater results of the application of steam to machinery, may yet be undeveloped. In the manufacturing department we have witnessed effects in the short space of a few years, which, centuries before, could not, by manual labor alone, have been accomplished. Great Britain has profited largely from these changes, and why? because, based as her island is on beds of coal, her mines furnish, and most abundantly, the element which gives life and elasticity to that fluid, the source and the exciting cause of the *expansibility of steam*, and of all its *wonderful powers*. If the simple fact of a *coal mine*, could rear up such a manufacturing city as *Manchester*, if similar causes have produced like results in the *American Birmingham* at the confluence of the Alleghany and of the Monongahela, what may not be confidently expected as yet in store for the South, from her *fuel domains* in her *pine barrens*.

The speculation may seem *bold*, perhaps *extravagant*, but if steam navigation every where pays tribute to, and derives its powers of locomotion from the fuel of the pine forests of our land, what may not manufacturing towns yet owe to those *forests of wood* which supply the fuel, the engenderer of steam, and of all the extraordinary capabilities of the steam engine. The inland position and the inaccessibility of these immense *lightwood domains*, have hitherto depreciated their value, but intersect them by *rail ways*, bring to the *fuel*, the material, which through the agency of that fuel steam can fabricate to any want, and there is no knowing what revolutions may yet be produced, comparable to those which *coal beds* have already wrought—The capacity of the south for manufacturing has been doubted more from the known sickliness of the locations of water power at the rapids, and falls of our rivers, than from any other cause—The pine barrens are proverbially healthy, and the fire and smoke of steam engines would render them doubly so. Is it extravagant or visionary therefore to predict that in the *centre* of these *pine forests*, where split by *rail ways* offering facilities of communication to the cotton growing districts, will yet be found the favored locations of the *Manchesters*, and of the *Birminghams* of the south; cities may rise, where desolation, or ranges for cattle are alone known, and the pine knots, which once only lighted the fire and illumined the isolated cabin of the stock minded, may, like the bituminous coal of old England, be to the *Carolinias, Georgia and Florida* sources of profit to individual ingenuity, and of manufacturing wealth to communities,

On every consideration therefore are we impelled to look favourably on those *projects* by which we may profit from the peculiar geographical position of the Territory of Florida, and develope those resources of wealth which still lay dormant in the interior of our land. None claim a preference to that of a *rail way communication between the Atlantic and the Gulf*, and from hence may we calculate with confidence on results more *certain* more *immediate*, and more *imposing*.

Further enlargement on these views would be superfluous, and if all acknowledge the general good which would result from the accomplishment of the work, why should any hesitate as to the means which may be necessary, and as to the wisdom and policy of taking common cause to provide them.

Let us now look to the sources from whence they may be made available, and to the *routes* which on an impartial and disinterested examination of the subject, may be found the most advisable to accomplish the great objects of the design. It is certain that the Territory can accomplish no great project for the present, involving large expenditures of money, but upon her credit, relying on the future resources, and wealth of the community to sustain that credit, and redeem her obligations. The experience of the past has tested that credit, and the faith, with which, it has thus far been sustained, is a guarantee of the confidence which will be reposed, if disposed on our part to extend it. If the Territory, for public considerations, could loan that credit to joint stock companies for banking, and internal improvement purposes, it surely may make use of it, itself, to produce results so universally favourable, as would be a *rail way* through the centre of the country from the Atlantic to the Gulf waters. A plan of financial operations to meet the cost of construction of the road may be advantageously based on Territorial bonds, drawing interest, and to be negotiated on terms the most favourable. As however the road would necessarily require time for construction, and some outlay of money before any returns could be received, the Territory could not conveniently meet the interest, and amount of bonds so disposed of without resort to additional taxes on the people. To obviate therefore this probable difficulty, and which might be an objection with many for the Territory to undertake the work alone, I would suggest (and with it trust the concurrence of the stockholders) a union between the Union Bank and the Territory, with a view to the accomplishment of this great project, as well as some objects of general relief, for which the people are now calling. The capital of the Union Bank, as now paid in, is one million of dollars, and the charter provides for the increase of two millions more, making in all three millions.

Books of subscription for the exertion of the capital to the whole amount, authorized under the charter, have recently been opened. At the said amount can be added, judiciously or possibly, or what may be the result, favorably or not, of *sufficiency, and possibly, measurably, threatening so large an amount* into the banking operations of the country. How of us can divine. It is not to be doubted, that very great temporary relief may be obtained by the extension of pecuniary loans, at a crisis, which has so singularly and unmercifully paralyzed the commerce, and industry of the country; and if that relief can be extended, without impairing the permanent credit, and embarrassing the future banking operations of the Territory, it ought, and will, speedily, be exerted. A call, however, has been made, and as there seems to be every disposition to yield to the importunities for pecuniary accommodation, it has been thought that such an arrangement, as might be effected, through *the agency of the bank, and of the Territory*, would accomplish the object of relief, and at the same time secure the exertion of the great rail-road project, and the fulness of its communication. It is proposed therefore, that the Territory become one third interested in the capital of the Union Bank, and that the Central Bank at the same time, by arrangements, which may be satisfactory, to the stockholders of both institutions, be merged in one corporation. That the Territory pay immediately into the bank its subscription of one million in bonds drawing interest, and which are to be negotiated on the most favorable terms, and banked upon by said institution. That as a condition of this *subscription, and of one third interest in the stock of the Union Bank*, the Territory surrender all claims under the existing charter, and that that instrument be so amended as to recognize the Territorial interest in the same; to fly for a further increase of capital, if found necessary however; and to pledge one third of its capital to the building up of a Rail-road from the Atlantic to the Gulf of Mexico. That further provision be made, either under a separate charter, or so incorporated in the charter of the Union Bank, as to secure to it all the powers necessary for the construction, preservation, and management, of the Rail-road contemplated, which shall be under the government of the said directors and officers; and that the expenditures and receipts on the road be accounted for, and be appropriated in the same manner as are now the profits &c. of the Union Bank. By this operation, independent of the evident economy under an arrangement, by which both bank and road will be subject to the charge for personal services of but one set of officers, the Union Bank, with a capital of three million

of dollars, will not only be able to administer to the existing relief and pecuniary wants of the country; but to commence and push to completion (supplying the funds in small appropriations as needed) the rail-road which is to connect the west with the Atlantic. If the sum pledged should prove inadequate, the proposed provision of extension of capital, will hereafter supply the deficiency; but the union of the two operations, Road and Bank, must necessarily present facilities, which either, separately, might not possess, and would so identify our banking operations with the internal improvement of our country, as to extend and expand the *former*, as the *latter* develops the internal resources of the country, and give additional impulse to its industry. By this proposed connection of Territory, bank, and road, it places the construction of the latter beyond contingency, and the two operations harmoniously co-operating, must lead to results as favorable to the citizens generally, and to the Territory, as it would be to the sound and profitable condition of the bank, and the road. It does not admit of a doubt, that the profits hereafter on one third interest in the bank and road, after completed, and the bonds are redeemed, would be more than equal to the whole expenditures of our government. It would furnish revenue for all the ordinary expenses of the state, with an annual surplus fund, which might be appropriated to branches of said road, or other improvements, for intercommunication between different parts of the Territory, no less imposing in their results. Without this co-operation, or without the Territorial assistance, the rail-road from the Atlantic to the Gulf, will most probably, never be constructed. The project is too extended, involving too large an expenditure of capital in its construction to expect that strangers, having no other interest in Florida, will embark in its undertaking. They will, at all events, move slowly, and calculate deeply, on the *certainity and the extent of the profits*, before they appropriate a dollar. The surety of these advantages, must all previously be made palpable, or they will husband their means, or appropriate them otherwise.

Our own citizens, cannot themselves, at this time, undertake so great an enterprise, however advantageous to the Territory. Other tempting sources of profit, and of wealth, absorb all their funds, and if we judge from the past, the pecuniary resources, or accumulations of the individuals, cannot, for the benefit and advancement of the country, be more advantageously directed at present, than into the channels of agriculture and commerce. It is for the Territory (and through the instrumentality of her credit and a bank, she can best perform it) to offer those facil-

ties of transportation, whether it be by roads or canals, which will give to agriculture, and to commerce, the greatest stimulants! It is for the Territory to undertake what belongs to, and interests all, and which, if not effected by government aid, or by combinations of private capitalists, will unquestionably fail. The rail-road proposed, is of this character, and though of immense importance to the Territory, it will probably (as private capitalists are unprepared to embark on it) long remain unconstructed, unless the Territory, and through the agency of a bank, furnish, or contribute to the means necessary. The most sanguine friends of the Charleston and Cincinnati rail-road are firmly convinced, that success depends upon the obtaining the privilege of banking powers, and have deputed their president to visit the states interested, to secure from them this additional boon to the charter, previously granted. The Atlas, and the Central rail-road companies in Georgia, have both derived great and important impulses from the banks, which have been wisely connected with their enterprises; and to the Pensacola bank, is the rail-road, which is to unite that city with the interior of Alabama, indebted for much of the progress which has been thus far made on that work.

Though it is not to be doubted, that the construction of the road, and its receipts and profits, in conjunction with those of the bank, will, ultimately, produce all the enlarged results exhibited in this communication, and that, if retained by the Territory or State, it will, in time, obviate the necessity of all taxation: still, should the subject be viewed otherwise, and there be many who doubt the capacity of a government, or a bank for managing advantageously, the conduct of the road; the stock, no doubt, could be sold in the market, and at an advance, so soon as the high way of rails was completed, and in operation. By this beneficial application of credit on the part of the Territory, and through the agency of a bank, a great work may not only be consummated, and our country hastened to her destiny; but the object desired by those who would wish to see such works under the direction of private enterprise alone indirectly effected. The road completed, the stock might from time to time, be turned into the market, and from the sales, the Territory not only amply reimbursed for all pecuniary responsibility assumed, but objects of advantageous investment be thus offered to individuals, and to the guardians of orphans. Indeed by this operation the million recommended, or the one third Territorial interest in the bank, might constitute a fund for internal improvement, fully equal in time to all the projects which our own citizens may have, and our Government sanction. The fund would literally possess the power of performing ten times its seeming amount--as fast as a road is constructed, its stock or cost may be made to pass into the hands of private capitalists, and this original

sum thus reverting to, or thus refunded into the Treasury or Bank, stand as a deposit, available for the construction of some other work no less beneficial to the country, and which, when completed, becomes subject to a similar transfer.

In addition to the Territorial credit, the 2 per cent land fund might be pledged, as well as other contributions which may be made to administer to the success of the rail road proposed. If Congress could, at so early a period as they did, appropriate liberally, to ascertain from survey, the practicability of a canal communication from the Gulf to the Atlantic, is it to be doubted? but that under the same spirit they will contribute, and largely to a design which has in view the accomplishment, though by different means, of the identical object. Our application through our Delegate, either the vacant lands of the Territory, or some other assistance could be obtained to consummate a work in which the United States must feel interested. Excluded as Florida has been, from her Territorial condition, from all share in the distribution of the surplus, the obligation on the part of the United States to contribute to its approved projects of internal improvement, becomes more imposing. The road projected for military purposes, as well as for the facilities it will afford in the transportation of the great Western and Orleans mail, will in its character be national, and the General Government cannot hesitate in promoting a project so intimately connected with the military security and commercial interests of the whole Union, as would be a high way of rails across the Peninsula of Florida, from the Atlantic to the Gulf of Mexico.

Viewing the importance of the rail road proposed in all its bearings, the development of it must make of the internal and concealed resources of Florida; the species of profit it must open to the Territory, from the peculiarly advantageous location of a high way between two oceans, only to be communicated with at great hazard and expense, and by a very long circuit, and judging from the past, that as imposing as may be the benefits to the country, they are not so impressive on over-cautious capitalists, as to induce them to embark their funds in its accomplishment, a confidence is encouraged that the Executive and Council of our Territory will lend to this document a favorable ear, and be induced so to stimulate action on the subject, as to secure, at all events, the completion of a highway of rails through the centre of the Territory, from the Atlantic to the Gulf of Mexico.

On the subject of routes, at present, little can be said, as the country has not been sufficiently explored to decide advisedly on all its localities, and it is not to be doubted that by those on whom may devolve the responsibilities of the location, previous scientific surveys will be made to lead to a correct judgment on this question. The great object, as a *travelled road*, and to participate largely in the profits of that road which pours its annual streams of population south in winter and north in summer, cannot be secured by an injudicious selection of route, which would give to other roads greater advantages as to time and speed. Looking steadily to this impor-

tant consideration, the termini of the road and the connecting track of rails must be so defined, as will shorten the distance, and give the greatest speed to travellers migrating or moving periodically from north to south. The main trunk of road, must be laid down on the most judicious line to secure the above object and important points in our Territory, accommodated not by turns and deviations in the road, lengthening, unnecessarily, its distance, but by branches. By this plan the main trunk will perform all its required functions, in connecting, on the best line, the Atlantic with the Gulf, and the branches theirs, in affording local accommodation to different neighborhoods, not immediately on the route, and act as feeders to the great road, increasing its business, its receipts and its profits. The termini of the road, therefore, on the Atlantic and the Gulf coasts, will be subjects of much patient examination and consideration, as the results contemplated, will greatly depend on the judgment with which they are selected. For the connecting links, there are two practicable routes, from a general inspection of the interposing country, which present themselves. The one, (partially examined by the Engineers of the East Florida Rail Road Company,) after crossing the Aussilla river, courses through the pine levels, and around the head of the Wascissa to the St. Marks.

The other, taking advantage of the depressions which Lake Lafayette, the head waters of the St. Marks, and Bailey's Mill Creek, and a chain of ponds and bay galls from the Aussilla to San Pedro affords, will find generally a level country, coursing with very few elevations, with the base line as far as the Sewanee; from thence the route is plain, and not to be mistaken. This latter route possesses advantages over the former, as dividing longitudinally the fine country of Middle Florida, every mile of which will contribute to the support of the road; and as approaching so near the different county seats of the counties through which it passes, as to offer accommodation to them by branches of inconsiderable extent. By this route the road may be brought direct to Tallahassee, communicating with the St. Marks, by the Tallahassee rail-road, and may be advantageously extended to the Appalachicola. Striking that river at a point opposite the St. Joseph rail-road, it will consummate a communication with both the towns of Appalachicola, at the mouth of the river, and of St. Josephs, in the Bay: to the former, by steam boats, and to the latter by the road of their company's own construction, and from both or either of those places, a line of steam boats will complete the connection sought with Pensacola, Mobile and New Orleans. On the Atlantic side, whether from the St. Marys or the St. Johns, the communication by steam boats must be to Charleston, there to meet the various lines now in operation to Wilmington, Norfolk, Philadelphia and New York; thus completing and perfecting the whole circuit of commercial intercourse and travel, from the southern to the northern extremities of the union.

All which are respectfully submitted by, &c. &c.

JAMES GADSDEN.

TREASURY DEPARTMENT, FLORIDA,
OFFICE OF AUDITOR PUBLIC ACCOUNTS, Jan. 1, 1838.)

To the Governor and Legislative Council of the
Territory of Florida.

The undersigned, in compliance with law, has the honor to present his annual report of the state of the finances of the Territory.

Statement No 1, herewith presented, exhibits the annual settlement with the Territorial Treasurer. The balance in the Treasury on the 30th Nov. 1836, was \$2,263 64

The amount received during the year from
all sources of Revenue 14,682 39

Making 16,946 03

The payments during the same period amounted to 5,353 02

Leaving a balance in the Treasury of \$11,593 01

On the 30th Nov. 1837.

Statement No. 2, exhibits the sources and amount of Revenue returned to this office during the fiscal year ending 30th Nov. 1837, and the expenses of criminal prosecutions in the several Judicial Districts.

Statement No. 3, exhibits the amount due the Territory from the several collecting officers, amounting to \$27,513 13. Some of these individuals have claims against the Territory, which they have repeatedly promised to present for examination and allowance, and as ample time has been afforded them for that purpose, their accounts will, if not previously settled, be certified to the proper law officers of the Territory. Many of the accounts have been put in suit, and it is believed that some of them are insolvent, and have left the Territory.

The Territory is now out of debt, there being more cash on hand than will be required to pay off all the claims against it at present ascertained.

The balance in the hands of the Treasurer on the 30th November last, was \$11,593 01

The amount of debts due the Territory on the same day, 27,513 13

Making, \$39,106 14

The only debts due are for amount of Auditor's Warrants outstanding, \$179 27

And for monies received for certain militia fines and appropriated as an orphan fund under the Resolution of Feb. 12, 1836, \$250 \$429 27

Leaving a balance in favor of the Territory of \$38,676 87

Only three Counties have as yet reported a tax for the year 1837, viz: Gadsden, Leon, and Jefferson Counties. Some of the Eastern frontier counties have alleged the Seminole war as an excuse for their delinquency, it will be for the Legislature to determine how far this should be available. Circulars were addressed to the Judges and Clerks of most of the counties with no effect, save in a single instance from the Clerk of the County Court of Jackson County, a copy of whose letter is annexed. It needs no comment. I would suggest, however, that in such cases, if the Executive or this office had the power of filling the vacancy, and should more plenary powers and authority over the officers employed in the collection of the revenue, such as a right to dismiss them in cases of default or neglect to make returns, and of summary punishment as is the case in most of the States, the effect would be salutary.

Shortly after the adjournment of the last Council the attention of the undersigned was drawn to the large sales of town lots in the cities of Apalachicola, St. Joseph, and Pensacola. Returns of sales at Apalachicola were made, upon the call of the Auditor, the tax due thereon, subsequently paid. Returns of the sales at Pensacola have been made by the Auctioneer, but the tax is not yet paid. The account of the auctioneer will be placed in the hands of the District Attorney. Understanding that the St. Joseph Company claimed an exemption of taxes on sales of "lands, lots and other property," belonging to the Company, under the 8th section of the Act of January 14, 1836, with the advice and by the direction of the Executive I addressed R. C. Allen Esq., President of the St. Joseph Company a letter, a copy of which is herewith annexed, demanding a return of the sale and payment of the regular and usual tax thereon. This letter was received by Colonel Allen, but has not yet been responded to. Since which I have ascertained that the land in question was held in the names of Trustees for an unincorporated association composed of the same persons as the incorporated company. This I presume was done to evade the prohibition contained in the original act of incorporation of Feb. 11, 1835, that the company should not hold lands only so far as the same was necessary for carrying on the contemplated work. This prohibition was taken off by the act of January 14, 1836, but these Trustees made no legal conveyance to the company, and when sold on the 18th, 19th, 20th, 21st, and 22d January 1836, they were not the lands or lots belonging to the company, and the auction tax should be charged on the sales. The amount of sales were upwards of \$300,000; and the regular tax is 2 per cent, which would be upwards of \$6000. I have hitherto delayed instituting legal proceedings from several considerations, preferring to submit the matter to the Legislature, who, if it deems proper, can, by resolution direct the prosecution, and also authorise the employment of counsel in the case and make allowance for adequate compensation.

The undersigned calls the attention of the Governor and Council to the propriety and policy of having in each District at least one jail for the confinement of criminals. He has not made an examination of any but the Middle District, and in this it is believed there is no jail of proper construction and strength. Several, accused of the blackest crimes, have in consequence escaped during the past year. In Leon County, a brick jail was destroyed by fire, by some prisoners confined under process issued under the authority of the United States, some few months ago, and as the county have incurred heavy expenses in erecting a large brick Court house, it is unable to rebuild it. It is believed its erection by the Territory, or proper and adequate aid to the county for that purpose would be a saving of expense. Claims to the amount of several thousand dollars have been paid during the few past years for guarding prisoners in this District, and I understand a large amount of recent construction are now outstanding, and will shortly be presented for payment. The county will claim remuneration of the United States for the destruction of the jail, and will solicit the aid of the Council for that purpose, and with what may be appropriated by Congress, the aid of the Council could enable it to build an edifice such as is proper and necessary in the metropolis of the Territory, which would also answer for the adjoining counties and avoid much present expense. An application to Congress for grants of land to erect a District jail, would it is believed be responded to favorably at Washington.

The undersigned deems it not improper to congratulate the Governor and Council on the auspicious state of the Territorial finances in comparison with former years. Although the past year has been one of the deepest distress, gloom and panic in the commercial affairs of the Union,—although our Territory has been borne down by the weight of a war raging for upwards of two years on our borders, devastating a large portion of the frontier, forcing her citizens from their peaceful avocations either to the battle field or place of refuge,—with all these difficulties to obstruct and retard her prosperity she has increased and is still increasing in population and in wealth. The favorable condition of the Treasury is a sure evidence that when peace shall be restored to our borders, and our Colonial Government be changed to that of a sovereign State, with proper management and economy, there is no danger of our being unable to bear all the expenses of such government, and without increasing much the burdens of the citizen.

L. A. THOMPSON,
Auditor Public Accounts.

COPY.

Jackson County,

Marianna, 17th Nov. 1837.

L. A. Thompson.—Dear Sir—I received a few weeks since a letter from you, requesting to know who was the assessor and collector of county taxes in Jackson county the present year. Owing to the absence of the Judge of the county court in April, there was an adjournment of court by the Magistrates. When the court came on, the Magistrates opposed the levying a tax, the judge adjourned until another day, when he held the court and appointed James H. Parker Esq. the assessor, and Thomas M. White the collector, they thinking it would operate against their popularity, declined accepting, therefore there is none. Respectfully, &c.

THOS. H. BUSH, Clerk, C. C. J. C.

COPY.

Treasury Department, Office Auditor

Public Accounts, Tallahassee, March 3, 1837.

R. C. Allen, Esq., President Lake Winnebago and St. Joseph Railroad Company, St. Joseph.

Sir—The 8th section of the act of the Legislative Council approved January 14, 1836, entitled an act to amend an act to incorporate the Lake Winnebago and St. Joseph Canal Company, which exempts the corporation from any auction tax on sales of land, lots or other property belonging thereto at public auction, being considered not only unjust with reference to other citizens of the Territory, but in fact rendering the imposition of taxes unequal in its effects, and therefore in violation of the law of Congress, organising the Territorial Government, I am instructed by the Executive of the Territory to make a claim and demand of you that the usual and regular tax of two per centum on the gross amount of all sales at auction, made by order of or for and on account of the Company, be forthwith paid into the Territorial Treasury, and that a return of the time, place, and amount of all such sales be filed in this office without delay, duly attested as prescribed by law.

You will therefore be pleased to lay this communication before your board of Directors or Stockholders, and inform me of their determination as soon as you possibly can. I am further instructed by his Excellency to inform you that in the event of a refusal by the St. Joseph Company to comply with this equitable and reasonable request, his duty will compel him to refer the question immediately to the proper judicial tribunal. With much respect, I am yours, &c.

L. A. THOMPSON, Aud. Pub. Accts.

TREASURER'S REPORT.

(No. 1.)

Statement of Settlement with the Territorial Treasurer for the year ending November 30th, 1837.

Dr. Cr.

1836.	To balance remaining in the Treasury at this date as per settl't.	1837	1837	By am't paid on Auditor's Warrant's returned and cancelled.
Nov. 30	2,263 64	Nov. 30	Nov. 30	5.262
1837.	To am't rec'd. into the Treasury from all sources of revenue to date.	"	"	By am't paid on commiss'rs' certif. No. 6, of arrears due by the Terr'ry
Nov. 30	14,622 39	"	"	By Treas'y Nov. 3 or am't redeemed since last report
		"	"	Interest all'ed on Treas'y notes
		"	"	By expend- ed postages, a- ct acc't filed with Auditor
		"	"	By balance
		\$ 16,946 08	\$ 11,595 1	\$ 16,946 03
		Balance in Treas'y \$ 1,350 01		

OFFICE AUDITOR PUBL. ACCOUNTS, Nov 30 1837.

L. A. THOMPSON,

C

Statement of balances due the Territory by Receiving Officers,
(No. 3.) &c. on the 30th Nov. 1837.

NAME	OFFICE	RESIDENCE	AMT DUE
N. Baker	Auctioneer	Franklin County	7 57
James D. Bullock	do	do	106 92
John Duncan	Tax Collector	do	617 30
Sam'l H. Dugal	do	Lynn County	3,157 91
T. J. French	do	do	2,539 82
A. M. Alexander	Auctioneer	do	30 31
Gen. K. Walker	District Attorney	do	5 00
Robt. J. Hockley	Auctioneer	do	814 11
Alex. Adair	Martial Law Dis.	do	276 11
Thos. L. Randolph	do	do	877 17
Alfred A. Fisher	Tax Collector	do	209 92
Chas. S. Sidney	Dist. Atty. U. S.	do	75 00
Wm. Bush	Clerk Sup. Court	Jefferson County	5 00
Wilkins C. Smith	Tax Collector	do	703 43
S. E. Mathers	Sheriff	do	3 30
J. B. Browne	Auctioneer	Monroe County	3 17
Weaver & Baldwin	do	do	153 03
Wm. H. Fletcher	do	do	31 66
Weaver & Patterson	do	do	16 10
Chas. M. Wells	do	do	309 94
Thos. A. Townsend	do	do	40 46
Ede Van Eyen	do	do	161 43
Parden C. Green	do	do	22 11
George L. Weaver	do	do	125 74
H. N. Nowland	do	Jackson County	21 27
John Sullivan	do	do	7 23
A. G. May	Tax Collector	do	230 42
Wm. S. Moore	do	do	309 45
James W. Exum	Martial L. Dist.	do	822 42
Isaac R. Harris	Clerk Sup. Court	Gadsden County	75
Robert C. Lester	do	do	64 16
Robert Forbes	Sheriff	do	273 40
T. J. Comyns	Tax Collector	Escambia County	221 57
J. A. Pendleton	do	do	487 16
Blyden Van Buren	Auctioneer	do	11,602 70
Henry Michellet	do	do	36 37
Jos. J. Joyner	Tax Collector	St. Johns County	1,242 07
Francis J. Avis	do	do	960 47
Waters Smith	Martial L. Dist.	do	288 91
Jno. G. Ayer	Tax Collector	Alachua County	273 49
A. G. Philips	do	Dixie County	127 37
D. C. Hart	Sheriff	do	92 96
Joseph H. Wilson	Auctioneer	Fayette County	15 24
Wm. Livingston	do	do	23 18
State of Georgia			8 00
Arrears due the Territory			\$27,513 13

(No. 2.) Statement showing the amount and sources of Revenue returned to this Office, and the expenses of Criminal Prosecutions in each Judicial District, for the year ending Nov. 30th, 1837.

Districts	Counties	Tax Revenue for 1836.	Tax Revenue for 1837	Revenue or Tax on Auction Sales.	Revenue or First & Forfeitures in the U. S. Dist.	Remarks
Western Dist.	Franklin Washington Jackson	499 07		11,515 02	253	
Middle Dist.	Franklin Cumberland Lawn	540 40	1,865 15	64,143 00	385 40	
	Jefferson		1,157 07	2,200 74		
	Madison		382 91	1,327 72	5 00	
	HAMILTON				214 15	
Eastern Dist.	Columbia Widiana D. Val N. Ross Mosquito H. C. Orange	10,000	352 75		1,121 11	
	Wm. m.		110 50		138 41	
	C. H. St.					
Banks	Joseph		774 08			
	C. H. St.					
Totals.		\$2,302 42	\$6,699 51	\$22,061 12	\$107 50	\$2,361 13

Office Auditor Public Accounts, Nov. 30th, 1837.

L. A. THOMPSON.

The Territory of Florida in account current with Thomas H.
(Dr.) Austin, Treasurer. (Cr.)

To Exps. Pros. Crim's.		By balance on hand ye 1836 exclusive of School Land Fund.	
Pd Aud'r's Check, No. 13	65 94		2 263 64
" do " 14	73 37		
	134 41		
Exps Executive Depart.		Auction Tax	
Pd Aud'r's Check, No. 1	100 00	Rec'd on Aud'r's Certif.	
" do " 26	100 00	cate. No. 1 10 44	
" do " 29	39 00	do do do 5 23 47	
" do " 30	135 00	do do do 2 308 64	
" do " 31	100 00	do do do 4 9 08	
" do " 40	103 00	do do do A 13 94	
" do " 41	100 00	do do do 119 33	
	677 00	do do do 255 73	
Exps Pros. Crim's W.D.		do do do 6 963 06	
Pd Aud'r's Check, No. 4	15 75	do do do 8 101 81	
" do " 38	6 55	do do do 9 71 57	
" do " 414	5 99	do do do 11 44 46	
" do " 10	138 50	do do do 12 28 59	
" do " 11	6 00	do do do 13 113 88	
" do " 9	100 00	272 10	do do do 14 106 78
Treasury Notes.		do do do 15 500 00	
Pd J. Morbin	1 00	do do do 16 9 04	
" S. D. Fernandez	1 00	do do do 17 146 70	
" W. Faber	1 00	do do do 23 420 00	
" R. Fitzpatrick	5 00	do do do 29 10 99	
" J. D. Hart	1 00	do do do 17 1 8 82	
" W. Wyatt	15 00	do do do 24 127 00	9,017 30
" J. W. Mitchell	5 00		
" W. A. Carr	10 00		
	39 00	Revenue	
Arrears due by Territory		Rec'd on Aud'r's Certif.	
Pd Crim's. Crim's. No. 36	19 00	cate. No. A 600 00	
" Aud'r's Check. 6	9 00	do do do 523 00	
	28 00	do do do 65 30	
To Interest.		do do do 39 32	
Pd S. D. Fernandez on		do do do 110 50	
Treasury Notes.	31	do do do 297 15	
" R. Fitzpatrick do	2 40	do do do 144 50	
" J. D. Hart do	30	do do do 7 781 18	
" J. W. Mitchell do	2 07	do do do 18 774 00	
" W. Wyatt do	6 10	do do do 21 100 00	
" W. A. Carr do	4 64	15 82	do do do 22 1448 32
		do do do 19 420 00	
Exps Pros. Crim's M.D.		do do do 25 90 00	
Pd Aud'r's Check. No. 2	26 81		
" do " 386	123 03	Military Ex.	5 393 40
" do " 383	200 00	Rec'd on Aud'r's Certif.	
" do " 27	38 00	cate. No. 3	253 00
" do " 336	2 15	Interest.	
" do " 32	48 37	Rec'd on Aud'r's Certif.	
" do " 35	200 00	cate. No. 7	21 60
" do " 36	400 00		
" do " 331	2 60		
" do " 333	3 00	1043 96 2614 29	16,946 03
	043 96		

TREASURY DEPARTMENT.

TREASURERS OFFICE, Tallahassee Jan. 2d, 1838.

To the President and Legislative Council:

I have the honor to present herewith to the Legislative Council my Account Current with the Territory, showing the receipts and disbursements of all moneys during the past fiscal year ending on the 30th November, and leaving a balance in the Treasury of \$11,593 01, exclusive of the School Land Fund.

I also beg leave to present a statement of the returns made to this office of the Census of the Territory, as ordered to be taken by a law of the last session, from which statement it will be seen that the Sheriffs of but three counties have made returns at all.

The balance on the books of the Territory against Willis Alston, the late Commissioner of the Tallahassee Fund, being still unpaid, by the direction of the Executive, suit was instituted on the bond of said Commissioner at the last term of our Superior Court.

For the transactions in the School Land Fund for the past year, I beg leave to refer you to my report on that subject.

All of which is respectfully submitted.

THOS. H. AUSTIN,

Treasurer.

The Territory of Florida in account current with Thomas H.
(Dr.) Austin, Treasurer. (Cr.)

	Amount forward	16,946 03
Amount forward	2,214 29	
Exp's Pros. Crim. L. & D.		
Pd Aud's Checks No. 493	16 93	
" do " do " 16 86 62		
" do " do " 12 09 52		
" do " do " 15 25 00		
" do " do " 17 47 25		
" do " do " 10 27 00		
" do " do " 20 23 67		
" do " do " 21 8 87		
" do " do " 622 0 77		
" do " do " 2 0 50		
" do " do " 14 21 53		
" do " do " 5 32 75		
" do " do " 17 32		
The United States	111 01	
Pd Aud's Check No. 7	300 00	
Officers Salaries		
Pd Aud's Check No. 412	100 00	
" do " do " 100 00		
" do " do " 3 23		
" do " do " 28 200 00		
" do " do " 34 1 5 72		
" do " do " 37 27 5 43		
" do " do " 68 200 00		
" do " do " 42 200 00		
" do " do " 43 200 00		
Auction Tax	146 44	
Pd Aud's Check No. 18	100 00	
Exp's Treas. Deposit		
Pd Aud's Check No. 31	6 60	
Paid Postage	17 20	
Balance in Treasury	30	
Nov. 1837, exclusive of		
School Land Fund	11,593 01	
	16,946 03	

By balance Cash in Treasury 30th Nov. 1837, exclusive
of Sch. of Land Fund. 11,493 01

By balance School Land Fund, 30th Nov. 1837. 634 75

November 30th 1837 THOS H. AUSTIN, Treasurer
TREASURY DEPARTMENT, Fla.

OFFICE AUDITOR P. B. A. 15 Nov. 30, 1837
The above account of Thos. H. Austin, Treasurer, examined and passed this day
L. A. THOMPSON, Audit.

Statement of Returns of the Census of the Territory so far as reported to the Treasurer of the Territory.

CENSUS OF THE TERRITORY OF FLORIDA				
WHITE MALES - WHITE FEMES - SLAVES - FREE PERSONS OF COLOR TOTAL				
Gadsden	1,241	1,000	2,989	7 5,220
Madison	372	374	501	1,247
Jackson	984	746	2,411	37 4,278
				10 82

Treasury Office Tallahassee Jan. 2, 1838 THOS H. AUSTIN T.

STATEMENT OF THE UNION BANK OF FLORIDA

Monday Morning the 1st January, 1838.

To Stock Notes discounted,	\$605,427 99
do do In suit,	50,503 00
	-\$655,730 99
Bonds and Notes,	535,159 19
do In suit,	19,270 25
	554,429 44
Bills of Exchange,	96,080 65
do under protest,	334,822 93
	430,903 58
Agency at St. Joseph,	66,832 70
Due by other Banks,	115,750 04
Claims on the United States,	1,117 39
Seminole Expedition,	1,046 93
	2,162 32
Protests and Damages,	4,845 04
Cash Balance, viz.	
In Specie,	47,179 09
In notes of other Banks,	33,416 00
	80,595 09
	\$1,901,251 20
By Stock,	\$1,000,000
Cash Stock,	2,900
	2,900
Due to other Banks,	14,311 11
Individual deposits,	11,937 19
Bank Bonds,	484,600 00
Bank Notes in circulation,	185,517 00
Profit and Losses,	87,973 16
Discount Premium, &c.	94,012 67
Deduct Int. on Territorial	
Bonds,	60,000 00
Bank Bonds,	932 36
Expenses here	
and at Agency, 20,528 57	
	81,460 93
	12,551 74
	\$100,524 90
Leaving \$12,551 74 surplus profit of the past year, to be applied according to the 23d section of the charter, exclusive of a sum exceeding \$20,000 due for interest on suspended debt caused by the commercial difficulties of the late year and now under rapid process of adjustment.	
	\$1,901,251 20

JOHN PARKHILL, Cashier.

General statements of the resources and liabilities of the Southern Life Insurance and Trust Co., Dec. 26, 30, 1837.

Stock's owned by the company, worth at least	\$5,000 00	Capital stock paid in	\$500,150 74
Amounts due from other solvent banks	127,922 21	Dividends unpaid	315 00
Discounted bills, notes, mortgages and loans		Interest on circulation	151,604 70
of all kinds		Deposits in trust at interest	11,349 00
Personal property	702,736 69	Due in other banks	27,461 00
Expense accounts	5,170 36	Bills payable in Jan. Feb. March and April	99,442 94
Cash, viz.	15,649 46	Deposits, partial pay'm on dist' bills part due	17,292 33
Notes of other solvent banks and		Private deposit	48,067 09
U. S. Treas'y notes and drafts	46,192 59	Profits, dr. C. acc't.	
Specie	13,039 74	Int. acc't.	31,957 48
		Exchange acc't.	11,725 57
			4,595 51
		Profit and loss	11,757 42
			60,035 78
			\$915,711 05

January 8, 1838.

GEO. FIELD, Cashier.

Territory of Florida, City of Tallahassee. Personally appeared before me, a Justice of the Peace, for said City, John Parkhill, Cashier of the Union Bank of Florida, and made oath that the above contains a true statement of the condition of the Bank on the morning of the 1st January 1838, to the best of his knowledge and belief. Given under my hand, this 6th January 1838.

R. J. HACKLEY, J. P.

Statement of the Commercial Bank of Florida.

December 31st, 1837.

To Capital Stock paid in,	\$66,592 00
Surplus fund,	10,584 00
Profits since January last,	8,716 19
Circulation,	49,003 00
Post Note circulation,	33,255 00
Due other Banks,	32,297 63
Depositors,	18,328 91
	<hr/> \$218,776 73
By Notes of other Banks,	\$2,337 00
Due by other Banks,	21,808 74
Specie,	11,855 00
Notes and Bills protested and unpaid,	34,524 90
Notes and Bills discounted,	139,045 00
Protest account,	28 92
Expense account,	9,177 17
	<hr/> \$218,776 73

Commercial Bank of Florida,

Apalachicola, Dec. 31, 1837.

WILLIAM PATRICK, Cashier.

(Dr) Statement of the condition of the Office of the South'n Life In. & Trust Co. at St. Augustine, Dec. 26, 1837. (Cr.)			
Stock, owned and worth cost	- 5,000 00	Capital stock	500,150 00
Loans on hypothecation, on demand	91,191 74	Dividends unpaid	315 00
Personal property	3,549 20	Office notes	576,500 00
Expense account	6,139.66	To Apalach'a office	401,311 00
Due from Apalach'a office	555,627 41	On hand	115,999 00
for office notes	- 401,311 00	Circulation	59,190 00
Cash balance	154,316 41	Deposits in trust at interest	11,338 74
Loan on real estate & mortgage	- 105,800 74	Bills payable—drafts on time not due	14,493 06
Loans on end'd notes, to be sec'd by mortg.	15,544 12	Due to other banks	740 55
Due from b'ks in Ch'as'ton & Sav'h on demand	20,654 48	Private deposits	29,739 14
" " other banks	845 23	Profits—Discount account	9,610 40
" " Banks in New York on demand	31,395 48	Interest account	11,477 36
Notes and bills discounted	180,293 31	Profits and loss	6,706 43
Cash, specie	10,775 72		
Notes of other solvent banks	1,382		
Gov't drafts on Recv'r Public Money	10,000		
Treasury Notes & other cash items	6,872 59		
		<u>29,030 31</u>	<u>\$643,760 68</u>

St. Johns County, ss. Lot Clark, President, and Arthur M. Read, assistant Cashier of the South'n Life In. & Trust Co., being duly sworn, each doth depose & say that the foregoing is a true statement of the affairs of said South'n Life In. & Trust Co., according to the best of his knowledge and belief. Sworn & subscribed Dec. 27, 1837.
Sworn to before me }
27th December, 1837. }
R. RAYMOND REED, Judge S. C. Dist. E. F.
A. M. REED, Ass't Cashier

Statement of the condition of the Apalachicola Branch of the Southern Life Insurance & Trust Co. Dec. 30, 1837.		
Resources, Am't due from New Orleans and Mobile Banks	Liabilities, Am't due South'n L. In. & Trust Company, Thus :	6,784 92
" Am't due from sundry solvent b'ks in Florida, Georgia & South Carolina.	For notes payable at St. Augustine	401,311
	Deduct am't on hand	308,893
Bills & notes discounted, running to maturity, all good	68,242 10	92,418 00
do do do and past due, but deemed perfectly good	223,414 33	154,316 41
do do do past due, considered doubtful, but believed to be entirely safe for at least half a year	57,760 35	26,720 52
	and April	84,949 78
Good Mortgages	21,033 75	2,000 00
Personal property, chests, books, office furniture, &c. &c.	7,998 35	
Expense acc't, including salaries, &c.	1,621 16	
Cash, viz: notes of other solvent b'ks 27,938 00	9,509 80	
" Specie	2,264 02	
	<u>30,202 12</u>	<u>3426,266 78</u>

Lot Clark, ss. Geo. Field, Cashier of the Southern Life Insurance & Trust Company, being duly sworn, doth depose and say, that the foregoing is a true statement of the condition, assets, and liabilities of the Apalachicola Branch of the Southern Life Insurance & Trust Company, according to the best of his knowledge and belief.
Sworn and subscribed before me }
the 30th Jan. 1838. }
Thomas Readall, Judge Mid. Dist. Fla.
Geo. Field, Cashier.

Statement of the condition of the Central Bank of Florida, on Monday the January, 1838.

For capital stock paid in	\$338,660 50	By cash balance, viz: Specie	\$71,656 96
Notes of the Bank in circulation	93,458 00	Notes of other Banks	1,836 00
Amount, bond due May 1, 1841	33,455 27		
Dividends unpaid	<u>264 00</u>	Notes discounted	<u>73,552 96</u>
Surplus fund	21,046 85	Bills of exchange	322,963 74
Gross profits since 1st May last	26,653 93	Suits at law	213,622 47
	<u>47,700 78</u>	Banking House and lots	7,731 87
Balances due to other Banks	9,271 59	Current expenses since 1st May last	14,969 90
Amount due Person Agency	4,104 66	Protest account	3,386 88
Amount, certificates of deposits issued	6,713 84	Amount due from other Banks	117 70
Deposites	110,811 82		\$,094 94
	<u>8644 440 46</u>		<u>-----</u>

LEON COUNTY, Sct:

Benjamin Charles, President, and Leslie A. Thompson, Cashier, of the Central Bank of Florida, being duly sworn to say that this Abolit contains a statement of the condition of the Central Bank of Florida, on Monday the first day of January, 1838, and that the same is true and correct, to the best of their respective knowledge, information and belief.

Sworn to before me, TUNNELL R. BETTOS, Justice of the Peace, L. A. THOMPSON, Cash. this 8th day of January, 1838.

(Dr) BANK OF PENSACOLA, semi annual Statement, December 30th, 1837.

To Capital stock	470,875 00	By credits for Alabama, Florida & Georgia	449,840 33
Notes in circulation	161,655 00	Rail road	46,236 10
Deposites	\$1,556 56	Amount due from other banks	41,003 50
Bank United States	84,303 35	Gold and silver	3,973 12
Other banks	34,502 38	Notes of other Banks	179,179 44
Individuals for collection	9,141 34	Bank property	87,519 50
Profits	33,889	Notes discounted	55,544 47
		Bills receivable	7,182 77
		Bills & notes protested	4 444 26
		Interest account	
		Contingent expences do	
			<u>-----</u>
			\$75,923 49

James Cattis, Cashier.

WALTER GREGORY, President.

Territory of Florida, {
County of Escambia }

I, wholly appeared before me, the undersigned, a Justice of the Peace, in and for the County aforesaid, Walter G. Cattis, of the Bank of Pensacola, and James Cattis, Cashier therof, and made oath, that the foregoing the Bank is true and correct in all its particulars before me, this 3d day of January, 1838, HARMON KELLY, Mayor of the City of Pensacola.

EXECUTIVE OFFICE,
Tallahassee, February 10, 1838. }

To the Legislative Council:

Gentlemen,—I herewith enclose you a statement of the condition of the Farmers Bank of Florida, as given by James J. Pittman, Pres't,

R. K. CALL,

Governor of Florida.

To his Excellency the Governor of Florida—Sir—I herewith submit the report of the Farmers Bank of Florida. Very respectfully,

JAS. J. PITTMAN, President.

State of the Farmer's Bank of Florida on the 1st day of Jany, 1838.

Capital stock paid in, \$37,500

Bills issued 42,515

On hand, 16,577

25,938

Discount, premium and profit, since 1st Jan. '37, 8,750

Due to other banks, 3,495 46

Due to individuals, 5,134 34

\$80,817 80

By specie in the vaults this day

\$6,938 50

Bills of other Banks 6,415 00

Due by other Banks 1,318 00

Individual account 3,025 20

Business paper 28,260 00

Notes discounted 23,495 50

Notes protested and in suit, but considered good 5,524 50

Banking House and lot in Perry, Georgia 1,325 00

Expense account 2,882 10

In the hands of agents 2,634 00

\$80,817 80

Territory of Florida, Jackson county. Before me, Richard H. Long, Judge of the county court of Jackson county, personally came Jas J Pittman and Thos M White President and Cashier of the Farmers Bank of Florida, and after being duly sworn says the foregoing statement of the Farmers Bank of Florida at Marianna, is correct as taken from the books and papers of said bank and its agency in Perry, Geo., according to the exhibit of its agent, and the books and papers of said agency.

J. J. PITTMAN, Pres't.

THOS. M. WHITE, Cashr.

Sworn to and subscribed before me, 8th day of Feb 1838.

RICH'D H LONG, J J C C

was read and received.

BANK OF JACKSONVILLE,

Jacksonville, Dec. 25, 1837. }

To His Excellency R. K. CALL, Gov. of the Territory of Florida.

The President and Cashier, of the Bank of Jacksonville, in conformity with the nineteenth section of the charter of incorporation of said Bank, approved February 14, 1835, beg respectfully to report.

Bills on hand of other Banks	\$14,134 00
Amount due from other Banks	17,207 07
Amount due from individuals	4,923 89
Specie in the vault	3,706 00
Specie deposited in the hands of an agent in New York, subject to the order of the Bank	29,200,00
	<u> </u>
	\$69,170 96
Deposites	28,998 53
Circulation	3,217 00
	<u> </u>
	32,215 53
	<u> </u>
	\$36,955 45

With much respect, we are sir,

Your obedient servants,

J. B. MORGAN, Pres't.

J. GUTTERSON, Cash.

Personally appeared before me, J. B. Morgan, President, and J. Gutterson, Cashier, of the Bank of Jacksonville, both of whom, being solemnly sworn, doth depose and say, that the within report contains a just and true statement of the condition of said bank on this day, and that the amount stated to be in the vault of the Bank, is actually in said vault, and that the same is not in stock notes.

J. B. MORGAN, Pres't.

J. GUTTERSON, Cash.

Sworn and subscribed to before me, at Jacksonville, this 25th day of December, 1837.

J. L. DOGGETT,
Judge County Court, Duval County.